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47

VOLUME NO. ....

ROYAL COMMISSION

ON CRIME

IN ONTARIO

DAILY TRANSCRIPT  
OF PROCEEDINGS

Date..Sept..13/62.....

pp 9600 - 9697



Supreme Court Reporters  
145 Yonge St.  
Toronto









A/1/TMcG

THURSDAY, SEPTEMBER 13, 1962

VOLUME 47

---On resuming at 10:35 a.m.

INDEX OF WITNESSES

THE COMMISSIONER: Mr. Wilson.

**CUDNEY, Robert James**  
(Recalled)

By Mr. Wilson ... 9601  
completed a check of the so-called adverse

reports by the Ontario Provincial Police and  
Metro Police and there has  
been no word of them, and in fact we  
have no word with relation to the various  
appendices in this brief, Exhibit 253.

I found that most of them are reconcilable  
but there are a few both on the reports made by  
the Ontario Provincial Police and by the  
Metro police that I cannot reconcile. I have  
given copies of those to Mr. Yaremko and have  
asked him to look into them and have the  
information available to us when he is called  
for cross-examination.

Now I will call Mr. Gidney.

Following your appointment as  
Deputy Minister of the Department of the  
Attorney General, I was called upon to  
with the policy of the Department with regard  
to the administration of the law and population  
in regard to criminal justice.

A. Yes, I did a fair amount, Mr. Wilson.  
I was called upon, appointed, selected to the  
Department in 1955 and called upon to take  
and Deputy Minister in 1956. Prior to my



VOLUME 1

INDEX OF WITNESSES

GUDNEY, Robert James  
(Rescued)  
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A/1/FMcG

THURSDAY, SEPTEMBER 13, 1962

1  
2 ---On resuming at 10:35 a.m.

3  
4 THE COMMISSIONER: Mr. Wilson.

5 MR. WILSON: Mr. Commissioner, I have  
6 completed a check of the so-called adverse  
7 reports by the Ontario Provincial Police and  
8 the Metropolitan Toronto Police and there has  
9 been filed a record of them, and in fact we  
10 have tested them with relation to the various  
11 appendices to this brief, Exhibit 253.

12 I found that most of them are reconcilable  
13 but there are a few both on the reports made by  
14 the Ontario Provincial Police and by the  
15 Metro police that I cannot reconcile. I have  
16 given copies of those to Mr. Yaremko and have  
17 asked him to look into them and have the  
18 information available to us when he is called  
19 for cross-examination.

20 Now I will call Mr. Cudney.

---on receiving at 10:35 a.m.

Mr. Wilson: Mr. Commissioner, I have

completed a check of the so-called advance  
reports by the Ontario Provincial Police and  
the Metropolitan Toronto Police and there has  
been filed a record of them, and in fact we  
have tested them with relation to the various  
appendices to this brief, Exhibit 288.

I found that most of them are reconcilable

but there were few both on the reports made by

the Ontario Provincial Police and by the  
Metropolitan Toronto Police. I have

given copies of those to Mr. Yarnall and have

asked him to look into them and have the

information available to us when he is called

for cross-examination.

Now I will call Mr. Gandy.





ROBERT JAMES CUDNEY, called

THE COMMISSIONER: Mr. Cudney, you are already under oath?

A. Yes.

EXAMINED BY MR. WILSON:

Q. You are under oath, having given earlier testimony?

A. Yes.

Q. You were appointed Deputy Provincial Secretary on August 1, 1946?

A. Yes.

Q. And you had been with the Department for what period of time prior to that date?

A. Well, I entered the Department on July 1, 1932. I had been in the Government about five or six weeks before that.

Q. Following your appointment as Deputy, I take it you had quite a bit to do with the policy of the Department with regard to the administration of the laws and regulations in respect to social clubs?

A. Yes, I did a fair amount, Mr. Wilson. I was solicitor, appointed solicitor in the Department in 1935 and chief solicitor in 1942 and Deputy Minister in 1946. Prior to my



Q. Now, you were in the Department of the Interior, were you not?

A. Yes.

INTERVIEW OF MR. [Name]

Q. You are under oath, having given your oath?

A. Yes.

Q. Now, you were in the Department of the Interior, were you not?

A. Yes.

Q. And you had been with the Department for what period of time prior to your being appointed?

A. Well, I entered the Department on July 1, 1932. I had been in the Government about five or six weeks before that.

Q. Following your appointment as Deputy, I take it you had placed a bid to be with the policy of the Department with regard to the administration of the laws and regulations in respect to social clubs?

A. Yes, I did a fair amount, Mr. [Name]. I was appointed, appointed solicitor in the Department in 1935 and chief solicitor in 1937 and Deputy Minister in 1940. Prior to my



1 appointment as Deputy I had a fair amount to  
2 do with social clubs.

3 Actually, Mr. Wilson, it was handled  
4 more or less directly through the Deputy Minister,  
5 Mr. Johns, but I knew quite a bit about social  
6 clubs and what the policy of the Department was.

7 Q. I think for the purpose of these  
8 proceedings we are particularly concerned with  
9 the period July 1, 1950, to the present time.  
10 During that period, I take it, you had quite  
11 a bit to do with the policy laid down in the  
12 Department in respect to the administration  
13 of these clubs?

14 A. Yes, I did.

15 Q. And during the period you have  
16 been Deputy you have served under seven  
17 different Ministers?

18 A. Yes.

19 Q. Will you just tell us briefly how  
20 policy, starting say with the 1950 policy, which  
21 is referred to in this brief, Exhibit 253 --  
22 before I go into that, you have read, I take  
23 it, Exhibit 253?

24 A. Yes. That is the brief?

25 Q. Yes.

26 A. Yes.

27 Q. And you have participated in the  
28 preparation of it?

29 A. Yes.

30 Q. What do you say as to the accuracy





appointment as Deputy I had a fair amount to do with social class.

Actually, Mr. Wilson, it was handled

more or less directly through the Deputy Minister.

Mr. Johns, but I know quite a bit about social class and what the policy of the Department was. Q. I think for the purpose of these

proceedings we are particularly concerned with the period July 1, 1950, to the present time. During that period, I take it, you had quite a bit to do with the policy laid down in the Department in respect to the administration

of social class?

A. Yes, I did.

Q. And during the period you have

been Deputy Minister?

different Ministers?

A. Yes.

Q. Will you just tell us briefly how

policy, starting say with the 1950 policy, which

is referred to in this order, Minister 213 --

before I go into that, you have read, I take

it, Minister 201

A. Yes. That is the order?

A. Yes.

A. Yes.

Q. And you have participated in the

preparation of it?

A. Yes.

Q. What do you say as to the necessity



1 of the statements of fact, including the figures  
2 that appear in there?

3 A. The facts and figures are, to the  
4 best of my knowledge, information and belief,  
5 correct.

6 Q. Coming back to this question of  
7 policy, in Chapter VIII of the brief, Exhibit  
8 253, we see a reference to various policy  
9 decisions starting in 1946. Just so we will  
10 understand how these policy decisions were  
11 arrived at and your part in them, we will turn  
12 to, say, page 21 of the brief. Have you a copy?  
13 You are familiar with it, I take it?  
14 Possibly you should have a copy before you.

15 A. Yes, if I may have a copy, Mr.  
16 Wilson. (Produced)

17 Q. I direct your attention to page  
18 21 where a reference is made to policy decisions  
19 of July, 1950. Were you a party ---

20 THE COMMISSIONER: Well, point out the  
21 part on page 21.

22 MR. WILSON: Starting with the paragraph  
23 "Very few complaints . . . ."

24 THE COMMISSIONER: Yes.

25 MR. WILSON: Q. (Reading):

26 " Very few complaints were  
27 "received from the police with  
28 "respect to this policy but from a  
29 "statement in the press at the end  
30 "of May, 1950, by the then Mayor of



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of the statement of fact, including the time  
that appears in there?

A. The facts and figures are, to the  
best of my knowledge, information and belief.

Q. Coming back to this question of  
policy, in Chapter VII of the book, Exhibit  
253, we see a reference to various policy

arrived at and your part in them, we will turn  
to, say, page 21 of the book. Have you a copy  
You are familiar with it, I take it?  
Possibly you should have a copy before you.

A. Yes, if I may have a copy, Mr.

Q. Where a reference is made to policy decisions  
on July, 1950. Have you a copy?

Mr. Gandy: Well, please see the  
page on page 21.

Mr. Wilson: Starting with the paragraph  
"Very few complaints . . ."

THE COMMISSIONER: Yes.

Mr. Wilson: Q. (Reading):

"Very few complaints were

"received from the police with  
"respect to this policy and from a  
"statement in the press at the end  
of May, 1950, by Stephen Mayer of





1 "the City of Toronto dissatisfaction  
2 "became known to the Department."

3 Now then, did you take part in the  
4 deliberations that are referred to there between  
5 the Provincial Secretary, the Mayor of the  
6 City of Toronto and other members of the Council  
7 and the Prime Minister of Ontario?

8 A. No; I was not at that meeting,  
9 Mr. Wilson, but my Minister, the Honourable  
10 G. Welsh, when he returned from the meeting  
11 discussed or indicated what the general plan  
12 was for, the future plan for the incorporation  
13 of social clubs, the procedure that was to be  
14 followed, and he and I discussed the matter  
15 and the terms of reference were made definite  
16 and expanded to this form.

17 Q. I take it you had a part in  
18 formulating the exact wording of the policy  
19 statement?

20 A. Yes.

21 Q. Then did you have a part in the  
22 setting up of the regulations dealing with the  
23 operation, the incorporation and operations  
24 of these social clubs?

25 A. The regulations, Mr. Wilson, do  
26 you mean the regulations under the Corporations  
27 Act?

28 THE COMMISSIONER: The internal.

29 A. The internal, yes, the Departmental  
30 practice; yes, I did, Mr. Wilson.

"because known to the Department."

Now then, did you take part in the

discussions that are referred to in the report

the Provincial Secretary, the Mayor of the

City of Toronto and other members of the Council

A. No; I was not at that meeting.

Mr. Wilson, did my Minister, the Honorable

G. Walsh, when he returned from the meeting

discuss the subject with you?

was for, the future plan for the incorporation

of social clubs, the procedure that was to be

followed, and he and I discussed the matter

and the terms of reference were made definite

and approved by the Council.

Q. I take it you had a part in

formulating the exact wording of the policy

statement?

A. Yes.

Q. When did you have a part in the

setting up of the regulations dealing with the

operation, the incorporation and operation

of these social clubs?

A. The regulations, Mr. Wilson, do

you mean the regulations under the Corporations

Act?

THE COMMISSIONER: The Corporations.

A. The internal, yes, the governmental

operation; yes, I did, Mr. Wilson.





1 THE COMMISSIONER: Now, which is it?  
2 You speak of "regulations". You see, Mr. Wilson,  
3 we learned yesterday that there were regulations  
4 that had the force of regulations and there  
5 were internal departmental rules as distinct  
6 from regulations.

7 MR. WILSON: Yes. I think we should clear  
8 that up.

9 Q. As I understand it, prior to 1954  
10 any, what might be termed, regulations or  
11 policies were purely internal?

12 A. Yes, were departmental policy  
13 or practice.

14 Q. Then we come to May 7, 1954, and  
15 is that the first time or is that the date  
16 that for the first time the regulations had  
17 the force of law?

18 A. Yes, that is the first time they  
19 were part of what are technically regulations.

20 Q. That, I see, is referred to at page  
21 23 of Exhibit 253. Now, from that time on  
22 when you published the regulations in the  
23 Regulations of Ontario, would there still be  
24 internal, you might say, rules for the handling  
25 of any problems pertaining to social clubs?

26 A. Oh, yes, because the regulations  
27 that were enacted in 1954 provided that the  
28 premises, the club premises, should be limited  
29 to a particular address or that the activities  
30 of the club be limited to a particular area,

You speak of "regulations." You see, Mr. Wilson,

we learned yesterday that there were no visitors.

that had the force of regulations and there

MR. WILSON: Yes. I think we should close.

6. As I understand it, prior to 1954

any, that might be termed, "regulations or

Police were rarely informed

9. Then we come to May 7, 1941, and

is that the first time or is that the date

that for the first time the regulations had

the force of law?

A. Yes, that is the first time they

were part of what are technically regulations.

Q. That I see, is referred to as being

23 of Exhibit 22. Now, from that time on

When you published the regulations in the

Registrations of transfers, would there still be

...and you will find it very interesting.

of any problems pertaining to social class?

that were enacted in 1954 provided that the

reprints, the price is \$1.00 per copy, plus postage.





1 and the two special clauses which are referred  
2 to as the "bars andbolts" clause and the  
3 clause prohibiting ten cents a\_n hour, that was  
4 put in the regulations. However, it was  
5 still and always has been the departmental  
6 practice to make the police referral, and that  
7 is not in the regulations.

8 W. I am particularly interested in  
9 the statement in the brief that, following  
10 the meeting that is referred to, for nine years  
11 there does not appear to have been any  
12 contact or any liaison between the Provincial  
13 Secretary's Department and any police authority  
14 with regard to any major problems pertaining  
15 to the incorporation and operation of these  
16 social clubs?

17 A. No, the nine years, that is from  
18 1946?

19 Q. I took it from 1950 through to  
20 1960.

21 A. Oh, I see. Yes. There was  
22 continual liaison with the police in respect  
23 to reports coming in, in respect to complaints.

24 Q. I understand that, in individual  
25 cases, but am I right in saying that this brief  
26 states that for a period of approximately nine  
27 and a half years ---

28 THE COMMISSIONER: Where are you reading  
29 from?

30 MR. WILSTON: I was not reading from any



and the two special classes which are referred  
to as the "bare antibodies" clause and the  
classifications of the same. It is  
not in the evidence. It is  
will not show that the  
there is no connection, and that  
is not in the evidence.

Q. I am particularly interested in

the statement in the brief that, following  
the meeting that is referred to, for nine years  
there does not appear to have been any  
contact or any liaison between the Provincial  
Secretary's Department and any police authority  
with regard to any major problems pertaining  
to the transportation and operation of these

A. No, the nine years, that is from

Q. I took it from 1950 through to

continued liaison with the police in respect  
to reports coming in, in respect to complaints.  
C. I understand that, in individual

cases, but as I right in saying that this brief  
states that for a period of approximately nine

and a half years ---

THE COMMISSIONER: Where are you reading

MR. WILLIAMS: I was not reading from any





1 place in the brief but I know it is in the  
2 brief. I am basing that question on my memory,  
3 Mr. Commissioner.

4 THE WITNESS: I think that, Mr. Wilson ---

5 MR. WILSON: When we come to the bottom  
6 of page 24 we see a paragraph headed:

7 " In the first week of January

8 "1960 the Deputy Minister arranged

9 "an interview with the Chief Constable

10 "of Metropolitan Toronto Police . . ."

11 The calculation, of course, is from July,  
12 1950, through to January, 1960.

13 THE WITNESS: Yes.

14 MR. ESTEY: I think it is at page 95.

15 MR. WILSON: My friend says that the  
16 statement I make appears at page 95.

17 MR. ESTEY: The very top of that page.

18 THE WITNESS: Page 95, is it?

19 MR. WILSON: Q. The top of page 95.

20 It reads:

21 " The effectiveness of this

22 "policy that was instituted in

23 "July, 1950 is illustrated by the

24 "fact that almost ten years elapsed

25 "before the Department received any

26 "further representations from the

27 "police with respect to any difficulties

28 "that it was experiencing in policing

29 "the provisions of the Criminal

30 "Code with respect to incorporated



place in the brief but I am not in the  
brief. I am basing that question on my memory.

Q. Now, when you came to the bottom  
of page 24 we see a paragraph headed:

"In the first week of January

"an interview with the Chief Constable

The calculation, of course, is from 1950,

1950, through to January, 1950.

MR. WATSON: I think it is at page 25.

MR. WATSON: My friend says that the

statement I make appears at page 25.

MR. WATSON: The very top of that page.

THE WITNESS: Page 25, is it?

MR. WATSON: O. The top of page 25.

It reads:

"The effectiveness of this

"policy that was introduced in

"July, 1950 is illustrated by the

"fact that almost ten years elapsed

"before the Department received any

"representations from the

"police with respect to any disturbance

"that it was experiencing in relation

"the provisions of the Criminal

"Code with respect to incitement





"social clubs."

1  
2 A. Yes, that is true, Mr. Wilson. I  
3 will say this, that over those nine to ten years  
4 that perhaps the odd officer being in my office  
5 in connection with a matter concerning a club,  
6 not coming in to make a special representation,  
7 may have mentioned in passing that there was  
8 a moving about or there was concern about the  
9 moving of old clubs which were incorporated  
10 back prior to 1950 or before the club premises  
11 were limited to a particular address, but it  
12 was never made an issue of. I mean there  
13 may have been the odd one. I will not say  
14 that during that time the odd officer did not  
15 mention it but there was never any formal  
16 representation made. I cannot recall any  
17 formal representation. Neither can I find  
18 any correspondence in our files in that regard.

19 Q. In other words, shall we put it  
20 this way, there was never any official  
21 representation during the period from July of  
22 1950 to January 1960?

23 A. No, not to my knowledge.

24 Q. By either the Ontario Provincial  
25 Police or the Metro police?

26 A. Not to my knowledge.

27 Q. Coming to January, 1960 the problem  
28 of transfer from one location to another of  
29 clubs who had charters that antedated the  
30 1950 -- or was it 1946?



.A .AND, THAT IT WAS NOT

may have mentioned in passing that there was

was never made an issue of. I mean there were limited to a particular address, but it back prior to 1950 or before the club practices

any have been the odd one. I will not say  
that during that time the odd effort did not  
exist. It did. It was never any longer

and I cannot recall any

any correspondence in this regard

9. In other words, shall we put it

any way, there was never any official

to visit and to be held and entered into the record.

TO THE PRESIDENT OF THE UNITED STATES

• A . . . . .

by either the Ontario Provincial

Police or the Negro Police?

.A . . . . .

9. Coming to January, 1960 the problem

NO. 101 2000 10 -- 0001





1       A. Well, in 1946 we limited the  
2 club activities to a particular municipality.  
3 Then from 1950 we limited the club premises to  
4 a particular address, although there were some  
5 in 1949 we limited to a particular address.  
6 But even prior to 1946 there seemed to be no  
7 rhyme or reason; that is before that time.  
8 There are charters that are limited to a  
9 particular municipality prior to 1946 although  
10 it was not a definite policy.

11       Q. Then following the representations  
12 by the Chief Constable of Metro Toronto, there  
13 were meetings which are referred to at page 26  
14 of the brief.

15       A. Yes.

16       Q. In the paragraph starting:

17       "At the interview referred to above . . ."  
18 and possibly going back even further. Now,  
19 as a result of those meetings between the  
20 Minister, yourself and the Chief Constable of  
21 Metro Toronto certain decisions were taken and  
22 action was also taken to implement those  
23 decisions?

24       A. That is true. I had a meeting  
25 with the Chief Constable of Metropolitan Toronto,  
26 Chief Mackey, in January, 1960, and he had  
27 expressed concern about clubs moving about,  
28 old clubs moving about from one place in the  
29 Province to another.

30       Q. Those were clubs that had been

A. Well, in 1945 we limited the

club activities to a particular municipality.

in 1945 we limited to a particular address.

But even prior to 1945 there seemed to be no

rhyme or reason; that is before that time.

There are chapters that are limited to a

particular municipality prior to 1945 although

it was not a definite policy.

by the Chief Constable of Metro Toronto, there

were meetings which are referred to as page 25

Q. In the paragraph starting:

"At the interview referred to above . . .

and possibly going back even further. Now,

as a result of those meetings between the

Minister, yourself and the Chief Constable of

Metro Toronto certain decisions were taken and

action was also taken to implement those

A. That is true. I had a meeting

with the Chief Constable of Metropolitan Toronto,

Chief Mackey, in January, 1950, and he had

expressed concern about clubs moving about,

old clubs moving about from one place in the

Province to another.

Q. There were clubs that had been





1 incorporated prior to 1950?

2 A. Yes, perhaps a lot of them were  
3 incorporated in the 1920's and the 30's. Most  
4 were incorporated many years before when there  
5 was no screening.

6 Q. To deal with that situation briefly,  
7 what action was taken?

8 A. Well, following my interview with  
9 the Chief Constable I had a talk with my  
10 Minister, the Honourable Dr. Phillips, and  
11 recommended that he bring down legislation, that  
12 the Act be amended to prevent this moving about,  
13 in view of what the Chief had told me. Dr.  
14 Phillips agreed and that was later discussed  
15 at a meeting with the Attorney-General's  
16 Department and provisions were worked out to  
17 stop clubs from moving about, that is the old  
18 clubs, and the Corporations Act was amended  
19 in the Session of that winter and the Act came  
20 into force, I think it is now Section 291 of  
21 the Corporations Act, it came into force on  
22 April 12, 1960, providing that any club could  
23 not move its premises. It was to the effect  
24 that a corporation having objects in whole or  
25 in part of a social nature other than a service  
26 club could not move its premises without the  
27 consent of the Provincial Secretary.

28 Q. When an application is made for  
29 a charter, say, of a commercial corporation,  
30 a charter for commercial purposes, does the



incorporated prior to 1900?

A. Yes, perhaps a lot of them were

incorporated in the 1900's and the 20's. That

was the period when they started to come in.

Q. Now, Mr. Phillips,

Q. He dealt with that question before.

Q. Now, Mr. Phillips,

A. Well, following my interview with

the Chief Executive I had a talk with my

Minister, the Honorable Mr. Phillips, and

recommended that he bring down legislation, that

the Act be amended to prevent this moving about,

in view of what the Chief had told me. Mr.

Phillips agreed and that was later discussed

at a meeting with the Attorney-General's

Department and provisions were worked out to

stop clubs from moving about, that is the old

clubs, and the new ones.

in the session of that winter and the Act came

into force. I think it is now Section 291 of

the Corporations Act, it came into force on

April 12, 1900, providing that any club could

not move its premises. It was to the effect

that a corporation having objects in whole or

in part of a social nature other than a service

club could not move its premises without the

consent of the Provincial Secretary.

Q. When an application is made for

a charter, say, of a commercial corporation,

a charter for commercial purposes, does the





1 Department examine in any way into the back-  
2 ground of the applicant?

3 A. No.

4 Q. In other words ---

5 A. I wouldn't say that now, Mr.

6 Wilson. Not generally speaking. There are  
7 certain types of corporations with share capital,  
8 commercial corporations, where the applicant  
9 is referred to another department of Government  
10 interested. I am not speaking of the police,  
11 my lord. I am speaking of, say, mortgage  
12 brokers and so on where information is required  
13 as to who the principals will be. Very often  
14 in a share capital company the practice has  
15 been for the applicants to be the solicitors  
16 and members of the staff. That is still  
17 the practice. Although in certain types of  
18 applications, and they are increasing, we have  
19 to know the principals behind in order to take  
20 it up with other departments who are interested  
21 in order that they can assess the situation  
22 and make any comments.

23 Q. About how many thousand a year,  
24 how many thousand charters a year has the  
25 Department been granting in recent years, just  
26 on an average?

27 A. Last year, up till the end of the  
28 fiscal year ending March 31, 1962, we issued  
29 nearly 5,800 new charters.

30 Q. Just so we will understand this in



Ground of the application?

A. I wouldn't say that now, Mr.

certain types of corporations with these capital,

is referred to another department of Government

interested. I am not speaking of the police,

brokers and so on where information is received

as to who the principals will be. Very often

in a share capital company the practice has

been for the applicants to be the solicitors

and members of the staff. That is still

the practice, I think, in some cases.

applications, and they are interested, we have

to know the principals being in order to take

it up with other departments who are interested

in order that they can assess the situation

C. About how many thousand a year?

how many thousand thousand a year has the

Department been granting in recent years, I say

on an average?

A. Last year, up till the end of the

fiscal year ending March 31, 1933, we issued

nearly 2,000 new charters.

Q. And so we will investigate this in





1 perspective, of the 5,800, apart from social  
2 clubs, about how many of those charters or  
3 applications would you enquire into the background  
4 of the applicants?

5 THE COMMISSIONER: Not the background of  
6 the applicants but who in fact were the  
7 applicants.

8 MR. WILSON: Yes.

9 A. Well, it would, I imagine, be a  
10 small percentage of that. I haven't the actual  
11 statistics.

12 MR. WILSON: Q. But you would be able  
13 to give us an informed or educated guess, I take  
14 it?

15 A. I would say maybe 2 or 3 per cent.

16 Q. Apart from that 2 or 3 per cent ---

17 A. I am speaking now of the share  
18 capital ones, Mr. Wilson.

19 Q. Yes. Apart from that 2 or 3  
20 per cent and apart from the social clubs, if  
21 the applicants for those other, say, 97 per cent,  
22 happened to have a criminal record, has that  
23 any bearing on whether the charter is granted  
24 or refused?

25 A. Well ---

26 Q. Is there anything in the law?

27 A. There is nothing in the law that  
28 prohibits us from issuing a charter to anyone  
29 with a criminal record. It would depend  
30 upon the particular type of company, I suppose,



applications would you include into the background of the applicant?

THE PRESIDENT: Not the background of the applicant but who in fact were the applicants.

MR. WILSON: Yes.

A. Well, it would, I imagine, be a

small percentage of them. I would not think

MR. WILSON: Q. But you would be able

to find out the names of the persons who were

A. I would say maybe 2 or 3 per cent.

Q. Apart from that 2 or 3 per cent ---

A. I am speaking now of the share

capital ones, Mr. Wilson.

A. Yes, that is right.

per cent and apart from the social clubs, is

the applicants for these other, say, 97 per cent,

happened to have a criminal record, has that

any bearing on whether the charter is granted

or refused?

A. Well ---

Q. Is there anything in the law

A. There is nothing in the law that

--- is there anything in the law that

--- is there anything in the law that

upon the particular type of company, I suppose,





1 where someone had been associated with frauds  
2 and swindles in a particular line.

3 Q. In that area, and for the last  
4 ten years, that 97 or 98 per cent, do you know  
5 of any case where an application for charter  
6 was ever refused on the grounds that one or  
7 more of the applicants had criminal records?

8 A. I wouldn't say a criminal record.  
9 There has been the odd case, a few cases --  
10 we haven't any index, it is only where these  
11 cases are brought to our attention but when  
12 there is a record, an actual conviction, or  
13 a person has a reputation, there has been the  
14 odd case. It doesn't happen very often  
15 because the cases are not brought to our attention.

16 Q. The odd case where you did what?

17 A. Refused incorporation.

18 Q. On the grounds of the personality  
19 of the applicant?

20 A. Yes. It would be a very small  
21 fraction.

22 Q. In the last ten years, could you  
23 tell me how many cases of that kind there  
24 might have been?

25 A. I couldn't say. It would be a  
26 very, very small number.

27 Q. Would it be three?

28 THE COMMISSIONER: Over what period of  
29 time?

30 MR. WILSON: Over the last ten years.



...and for the last  
...in that area, and for the last

Q. In that area, and for the last  
ten years, that is or 25 per cent, do you know  
of any case where an application for charter  
has ever refused on the grounds that one or  
more of the applicants had criminal records?  
A. I wouldn't say a criminal record.

There has been the odd case, a few cases --  
we haven't any index, it is only where there  
cases are brought to our attention but when  
there is a record, an actual conviction, or  
a person has a reputation, there has been the  
... because the cases are not brought to our attention.

Q. The odd case where you did what?  
A. Refused incorporation.  
Q. On the grounds of the personality

of the applicant?  
A. Yes. It would be a very small

Q. In the last ten years, could you  
tell me how many cases of that kind there

A. I couldn't say. It would be a

Q. Would it be three?

MR. WILSON: Over the last ten years.





1 THE WITNESS: It wouldn't be many more  
2 than that.

3 MR. WILSON: Q. In that area is there  
4 any legal justification for such refusal on  
5 the basis of a criminal record of the applicant?

6 A. Well, I remember one particular  
7 instance where the chap had been forming a  
8 number of companies and leaving creditors high  
9 and dry and going out and forming another  
10 company. It had worked into a pattern. This  
11 is some years ago. I remember that application  
12 was refused when he wanted to form another  
13 company.

14 Q. Well, in other words, on moral  
15 grounds, not on legal grounds?

16 A. Yes.

17 Q. And, of course, the decision of  
18 the Department in that case wasn't tested, I  
19 take it, by the courts?

20 A. No.

21 Q. Coming to the applications ---

22 THE COMMISSIONER: So far you have been  
23 dealing with applications for charters of  
24 companies with share capital?

25 MR. WILSON: Yes.

26 Q. Coming to applications for charters  
27 without share capital, what does that embrace  
28 in the administration of the laws?

29 A. Well, Part III of the Corporations  
30 Act provides for the incorporation of corporations



THE WITNESS: Is there any more to be asked?

MR. WILSON: A. In this case there

any legal justification for such refusal on the basis of a criminal record of the applicant?

A. Well, I believe not.

instance where the one had been forming a number of companies and leaving creditors high

and low and so on.

company. It had worked into a pattern. This

is some years ago. I remember that application

was refused when he wanted to form another

company.

A. Well, in other words, on moral

grounds, not on legal grounds?

A. Yes.

A. And, of course, the decision of

the Department in that case wasn't tested, I

take it, by the courts?

A. No.

A. Coming to the application --

THE COMMISSIONER: No, you have been

dealing with applications for charters of

companies with assets capital?

A. Yes.

A. Coming to applications for charters

without assets capital, what does that involve

in the registration of the laws?

A. Well, Part III of the Companies

Act provides for the incorporation of companies





1 without share capital which are non-profit,  
2 non-gain in nature. That is, the members are  
3 prohibited by the Act and by the charter from  
4 making any gain out of the corporation. The  
5 section of the Act embraces a great variety:  
6 Literary societies, charitable institutions,  
7 religious institutions, trade organizations,  
8 service clubs, social clubs, philanthropic  
9 societies, a great variety of organizations.

10 Q. Taking that classification, do  
11 you have any particular check, broadly speaking,  
12 on the background and records of the applicants  
13 for charters?

14 A. Well, yes. In the realm, my  
15 lord, of corporations without share capital we  
16 have a rule -- and this again is departmental  
17 practice, it is not in the Act or in the  
18 Regulations -- but the applicants must be  
19 persons who will continue to be members after  
20 the organization meetings and not office  
21 incorporators, as is often or usually the  
22 case of companies in commercial activities.

23 Q. Will you just go on and answer  
24 my question as to the inquiry, if any, you make?

25 A. Yes, there is much more of an  
26 inquiry, I would say, percentage-wise in the  
27 non-share to other departments than there is  
28 in the share-capital ones.

29 Q. Is it restricted to any particular  
30 part of that classification such as social clubs



prohibited by the Act and by the constitution

on the background and records of the applicants

A. Well, yes. In the realm, in

and it is not at all, certainly





1 or does it extend beyond that?

2 A. Oh no, it is not just social  
3 clubs. For example, anyone who wishes to  
4 incorporate a school, an educational institution,  
5 the application is referred to the Department  
6 of Education. If it is a hospital --  
7 hospitals would come into this type of  
8 corporation -- it would be referred to the  
9 Ontario Hospital Services Commission. If  
10 it is an orphanage ---

11 THE COMMISSIONER: Q. A what?

12 A. An orphanage or welfare organization  
13 to  
14 of any sort, it would go to the Department of  
15 Welfare for comment.

16 MR. WILSON: Q. In that particular  
17 broad classification, apart from social clubs,  
18 is, say, a conviction for gambling in any way  
19 a bar to the granting of a charter? That is  
20 in this broad classification but apart from  
21 those that we would call social clubs.

22 A. Well, I wouldn't want to say that  
23 it wasn't, Mr. Wilson. As a matter of fact,  
24 first of all, may I make this clear, that  
25 these applications other than social clubs  
26 do not go to the police; they go to other  
27 departments. I mean the Welfare Department,  
28 the Health Department, and so on. But we  
29 don't know whether there are -- first of  
30 all, I may say this -- whether there are  
convictions for gambling but if we knew there



or does it extend beyond that?

A. Oh no, it is not just social.

It is social, but it is also educational.

Incorporate a school, an educational institution,

the application referred to the Department

of Education. It is in a hospital --

It is in a hospital, and it is in a hospital.

corporation -- it would be referred to the

Department of Education, and it is in a hospital.

It is an orphanage --

THE COMMISSIONER: O. A what?

A. It is a hospital, and it is in a hospital.

to

of any sort, it would go to the Department of

Welfare for comment.

MR. WILSON: Is that correct?

Yes, that is correct, and it is in a hospital.

is, say, a conviction for gambling in any way

a bar to the granting of a charter? That is

in this broad classification but apart from

those that we would call social class.

A. Well, I wouldn't want to say that

it wasn't, Mr. Wilson. As a matter of fact,

that of all, may I make this clear, that

these applications other than social class

do not go to the police; they go to other

departments. I mean the Welfare Department,

the Health Department, and so on. But no

don't know whether there are -- that of

all, I may say this -- whether there are

convictions for gambling but if we knew there





1 was a conviction for gambling, I would hesitate,  
2 in view -- well, it would have to be a  
3 particular type of corporation.

4 Q. Do you know of any examples in  
5 the last ten years, restricting it to that  
6 particular portion of that broad classification?

7 A. No, I cannot recall any case  
8 where there has been anyone convicted of  
9 gambling. This is apart from the social clubs?

10 Q. That's right.

11 A. Where we have had knowledge.

12 Q. Yes.

13 A. I will put it that way, but if  
14 we did have knowledge, then we would certainly  
15 have to weigh it.

16 Q. You would have to what - it would  
17 be what?

18 A. It would be weighed, depending  
19 upon the particular type of corporation.

20 Q. Coming to the social clubs, how  
21 do you determine what is and what is not a  
22 social club in this non-share capital classifica-  
23 tion?

24 A. Well, social club is not defined  
25 at all. Our practice has been any corporation,  
26 whether "club" is in the name or not. Often  
27 "club" may not appear in the name. In fact,  
28 it may be called something else entirely. But  
29 if the objects, which I think are the important  
30 things, the objects for which the corporation



was a conviction for gambling, I would hesitate, in view -- well, it would have to be a particular type of corporation.

Q. Do you know of any examples in

the last ten years, restricting it to that

particular type of corporation?

A. Yes, I know of one or two.

Where there has been anyone convicted of

gambling. This is apart from the social clubs?

Q. That's right.

A. Where we have had knowledge.

Q. Yes.

A. I will put it that way, but if

we did have knowledge, then we would certainly

have to weigh it.

Q. You would have to what -- it would

be what?

A. It would be weighed, depending

upon the particular type of corporation.

Q. Coming to the social clubs, how

do you determine what is and what is not a

social club in this non-share capital classification?

A. Well,

social club is not defined

at all. Our practice has been any corporation,

whether "club" is in the name or not. When

"club" may not appear in the name. In fact,

it may be called something else entirely. But

it the objects, which I think are the important

things, the objects for which the corporation





is incorporated, are in whole or in part of  
a social nature, and we have extended that  
and this was settled in 1950 -- actually it  
was settled earlier than that, I think, in  
1946 because from experience, sometimes you  
had clubs such as athletic clubs where there  
was nothing in the objects to suggest "social"  
and yet the police had trouble with them in  
operating. There is a certain social element,  
I suppose, in an athletic club even though  
they haven't the actual "social" in their objects.  
And we have extended that in interpreting our  
definition of "social club" not only to  
corporations having objects in whole or in  
part of a social nature but those which would  
include, for instance, athletic clubs, anything  
recreational. It goes beyond our inter-  
pretation in our referral to the police of  
objects of proposed corporations where just  
the word "social" appears in the objects.

(Page 9620 follows)



is incorporated, and in whole or in part of  
 a social nature, and we have extended that  
 and that was added in 1910 -- actually it  
 was added earlier than that, I think, in  
 1906 because from experience, sometimes you  
 had clubs such as athletic clubs where there  
 was nothing in the objects to suggest "social"  
 and yet the police had trouble with them in  
 connection. There is a certain social element,  
 I suppose, in the objects that are added.  
 They haven't the social "social" in their objects.  
 And we have extended that in interpreting our  
 definition of "social club" not only to  
 corporations having objects in whole or in  
 part of a social nature but those which would  
 include the exercise, athletic clubs, swimming  
 recreational. It goes beyond our inter-  
 pretation in our referral to the police of  
 objects of proposed corporations where just  
 the word "social" appears in the objects.





B/FJMcG/1

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Q. Now, by reference to the brief, Exhibit 253, and the statistical summary, I see in the period, ten year period, July 1st, 1950, to December 11th, 1961, there were 1,219 applications for incorporation with objects in whole or in part of a social nature except service clubs?

A. Yes.

Q. And I take it that by an examination of the departmental files and an examination of the objects, that is the number of clubs that you have come to the conclusion fall in that category?

A. Yes, that is to the best of my knowledge, my lord. We have not a classified index of corporations. For example, we have not mining companies all in one category; we have not lumber companies; we have not hospitals; we have not social clubs. The only one I think possibly over the years was the co-operatives under a particular part on insurance, but the only way we could judge, we had a general index of names, and the only way we could start ---

THE COMMISSIONER: That is corporate names?

A. Corporate names. The only way -- these would have to be share or non-share, because sometimes social clubs would have share capital, and usually they are without



Q. Now, by reference to the brief, Exhibit 253, and the statistical summary, I see in the period, ten year period, July 1st, 1900, to December 31st, 1911, there were 1,000 corporations and institutions and objects in whole or in part of a social nature except service clubs?

Q. And I take it that by an examination of the departmental files an examination of the objects, that in the number of clubs that you have come to the

A. Yes, that is to the best of my knowledge, my lord. We have not a classified index of corporations. For example, we have not mining companies all in one category; we have not lumber companies; we have not hospitals; we have not social clubs. The only one I think possibly over the years was the co-operative under a particular part on insurance, but the only way we could judge, we had a general index of names, and the only way we could count --

THE COMMISSIONER: That is correct

A. Corporate names. The only way -- names would have to be share or non-share, because sometimes social clubs would have share capital, and naturally they are within





1 share capital, but they can be share capital,  
2 and if they are then we treat them the same.  
3 Then it is a social club whether it is with  
4 or without share capital.

5 I was going to say that I had the  
6 senior officers of our files department take  
7 this list and go down them, and they are  
8 people who are experienced, with years of  
9 experience in the Department, to take out  
10 select names of what appear to be having  
11 any social objects or athletic, in accordance  
12 with our definition of social club, and I  
13 instructed them to err on the side of  
14 leaving too much than too little, as this  
15 was a public inquiry and everything was to  
16 be disclosed.

17 They came up with a list which they  
18 went through of about 1,700 names in the  
19 list from the starting point of July 1st,  
20 1950.

21 Then I had solicitors in the Department  
22 take these 1,700 files and told them to go  
23 through these files, because we were not  
24 sure whether they were within the category  
25 or not, but again to err on the side of  
26 putting everything in, rather to overdo  
27 it than underdo it. They came up with --  
28 actually, those incorporated -- there are  
29 186 refusals which we have separate in a  
30 separate list, but they came up with 1,033



where capital, but they can be more capital,  
and if they can then we want them the same,  
then it is a social card whether it is with  
or without more capital.

I was going to say that I had the  
senior officers of our linen department take  
this list and go down them, and they are  
people who are experienced, with years of  
experience in the Department, to take our  
select names of what appear to be having  
any social objects or activities, in accordance  
with our definition of social class, and I  
instructed them to get on the side of  
leaving too much than too little, as this  
was a people inquiry and everything was to  
be discussed.

They came up with a list which they  
went through of about 1,700 names in the  
list from the starting point of July 1911.

Then I had assistants in the Department  
take these 1,700 files and told them to go  
through these files, because we were not  
sure whether they were within the category  
or not, but again to get on the side of  
putting everything in, rather to overdo  
it than underdo it. They came up with --  
actually, these incorporated -- there are  
100 returns which we have separate in a  
separate list, but they came up with 1,000





1 that would be within that category that had been  
2 issued from July 1st, 1950, to December 11th,  
3 1961.

4 Q. I take it that in that group of  
5 1,219 there may well be clubs which may or  
6 may not be strictly classified as social  
7 clubs?

8 A. Yes. We give it a very broad  
9 interpretation of social club. We verge on  
10 the side of classifying as a social rather  
11 than not classifying.

12 THE COMMISSIONER: I suppose one that  
13 might have been on the fringe was the one I  
14 referred to yesterday, Chippers Sales &  
15 Advertising?

16 A. Yes.

17 MR. WILSON: Q. Of the 1,219 applications  
18 in that period, 1,033 were granted and 186  
19 applications were refused?

20 A. Were refused, yes.

21 Q. Now, I am particularly concerned ---

22 A. Pardon me, Mr. Wilson. We did  
23 get a supplementary. I asked the Provincial  
24 Police for a list to make sure that we had  
25 got everything, because we refer these to the  
26 Provincial Police as well as to the local --  
27 for a list of files that we had referred to  
28 them over the last twelve years, or ten, or  
29 during the period. They came up with a list  
30 of all correspondence which we had had with



issued from July 1st, 1950, to December 1st, 1951.

Q. I take it that in that group of 1,219 there may well be clubs which may or may not be strictly classified as social.

A. Yes. We gave it a very broad interpretation of social club. We were on the side of classifying as a social rather

THE COMMISSIONER: I suppose one that might have been on the fringe was the one I referred to yesterday, Chipman Sales & Advertising?

MR. WILSON: Q. Of the 1,219 applications in that period, 1,038 were granted and 181 applications were refused?

A. Were refused, yes.

Q. Now, I am particularly concerned ---

A. Pardon me, Mr. Wilson. We did

not a supplementary. I asked the Provincial

Police for a list to make sure that we had

got everything, because we refer them to the

Provincial Police as well as to the local --

for a list of files that we had referred to

them over the last twelve years, or so, on

during the period. They came up with a list

of all correspondence which we had had with





1       them and they had had with us.   There were a  
2       few hundred names on the file and in going  
3       through ---

4       **THE COMMISSIONER:** Just a moment. You  
5       asked them for a list of ---

6               A.       Of all social clubs.

7               Q.       Of all referrals?

8               A.       Of all referrals or any -- yes,  
9       of all referrals or any complaints, just to  
10      double check against ours.

11              Q.       They came up with what?

12              A.       They came up with a list of every-  
13      thing, referrals, complaints, a number of  
14      things that just didn't perhaps pertain, but  
15      they were to give the whole picture, and in  
16      that list we found about, I think it was,  
17      about seventy that we had referred to them  
18      and had favourable reports that had not  
19      appeared.   It was a check against our list,  
20      so that was added.   1,700 includes that  
21      seventy.

22              **MR. WILSON:** Q.   Have you the corres-  
23      pondence with you covering that?

24              A.       No, I haven't, Mr. Wilson.

25              Q.       Could you get it for us?

26              A.       Yes.

27              Q.       So that we could file it here?

28              A.       Yes.

29              **THE COMMISSIONER:** They came up with a  
30      list which included seventy ---



them and they had had with us. There were a few hundred names on the file and in going

THE COMMISSIONER: Yes, I know.

asked them for a list of ---

A. Of all social clubs.

Q. Of all restaurants?

A. Of all referrals of any -- yes,

of all referrals of any companies, just to

double check against ours.

Q. They came up with what?

A. They came up with a list of every-

thing, restaurants, companies, and so on.

things that I've didn't perhaps obtain, and

they were to give the whole picture, and in

fact that we found about, I think it was,

about seventy that we had referred to them

and had favorable reports that had not

appeared. It was a check against our list,

so that was added. 1,700 included that

THE COMMISSIONER: Yes, I know.

pondence with you covering that?

A. Yes, I have.

Q. Could you get it for me?

A. Yes.

Q. So that we could file it now?

A. Yes.

THE COMMISSIONER: They came up with a

list which included seventy ---





1 A. Of referrals that we did not have  
2 on our list, and they were cases, my lord,  
3 where we had referred and, as I understood,  
4 there had been favourable reports, but they  
5 were added, that is after, to our list.

6 Q. The seventy were favourable  
7 reports?

8 A. Yes, as I understood it.

9 MR. WILSON: Q. Did you make a similar  
10 check with the Ontario Provincial Police?

11 A. This was the Ontario Provincial  
12 Police.

13 Q. I am sorry. Did you make a  
14 similar check with the Metro?

15 A. Well, I telephoned Chief Mackey  
16 in December and asked him if he could give a ---

17 Q. December of what year?

18 A. Of 1961, after the Commission  
19 had been appointed, and asked him if he could  
20 give us a list of complaints, that is, where  
21 the Metro Police had complained to the  
22 Department in respect to incorporated social  
23 clubs. The reason I did that was this, that  
24 if a complaint ---

25 THE COMMISSIONER: That is a complaint  
26 that he had made?

27 A. Had made, because we have what  
28 we call an old file, that you file if an  
29 application is refused or a complaint or it  
30 may be a balance sheet of a joint stock



Q. Of reports that we did not have  
 on our list, and they were correct, my lord,  
 where we had referred and, as I understood,  
 there had been favourable reports, but they  
 were not, was it right, as you said,  
 The reports were favourable  
 A. Yes, as I understood it.  
 Q. This was the Ontario Provincial  
 Police.  
 Q. I am sorry. Did you make a  
 list, I remember that you  
 to Deacon and asked him if he could give a  
 list of names of men who  
 had been appointed, and asked him if he could  
 give us a list of complaints, that is, where  
 the Metro Police had complained to the  
 Department in respect to incorporated social  
 groups. The names of the men who were  
 in a complaint ---  
 THE COMMISSIONER: That is a complaint  
 that he had made?  
 A. Had made, because we have what  
 we call an old file, that you file in an  
 application is refused or a complaint or is  
 may be a balance sheet of a joint book





1 company, and we had about 25,000 of those old  
2 files. To go through those old files would  
3 have taken a great deal of time, these 25,000  
4 files, and I asked Chief Mackey if he could --  
5 and it would help expedite our work in order  
6 to find complaints -- if he could give me a  
7 list of the complaints that his department  
8 had made in the last ten years, which he did.  
9 I asked for five because at that time it  
10 was thought it would go back to five, but  
11 he actually gave us ten and our research went  
12 back to ten, or he gave me a list for ten  
13 years back to, I think it is, 1951.

14 MR. WILSON: Q. Did you also check with  
15 Chief Mackey on referrals during that same  
16 period?

17 A. No, we did not, Mr. Wilson,  
18 because the referrals -- a social club is  
19 referred to the Provincial Police and to the  
20 local police, and we thought we could catch  
21 the referrals through the references, because  
22 the Provincial Police should have everything.

23 Q. So it would always go to the O.P.P.?

24 A. That is right.

25 Q. But then it would go to the  
26 particular local force in the location?

27 A. To the particular municipality  
28 where the club, the premises were.

29 Q. Again confining ourselves to the  
30 period of July 1st, 1950, what was the pro-



company, and we had about \$2,000 of things of  
value. To go through those old files would  
have taken a great deal of time, there \$2,000  
files, and I asked Chief Mackey if he could --  
and it would help expedite our work in order  
to find complaints -- if he could give me a  
list of the complaints that his department  
had made in the last ten years, which he did.  
I asked him if he would be kind to give them to  
me. He thought it would go back to five, but  
he actually gave us ten and our research went  
back to ten, or he gave me a list for ten  
years back to, I think it is, 1931.

Q. Did you also check with

Chief Mackey as to the files which were

period?

A. No, we did not, Mr. Wilson.

because the reference -- a social club is

referred to the Provincial Police and to the

local police, and we thought we could cover

the Provincial Police should have everything.

Q. So it would always go to the O.P.P.?

A. That is right.

Q. But then it would go to the

particular local force in the location?

A. To the particular municipality

where the club, the premises were.

Q. Again confining ourselves to the

period of July 1st, 1930, what was the pro-





1 cedure followed by your Department in dealing  
2 with these 186 applications that were refused?

3 A. Well, of the 186 applications  
4 that we refused, I think it is 123 were on  
5 adverse reports, and the others were ---

6 Q. Possibly you would want to refer  
7 to Appendix I.

8 A. Yes. Of the 186 a number were  
9 refused because of police objection, and the  
10 balance were turned down because of a matter  
11 of departmental policy.

12 For example, the present policy, with  
13 certain amendments, was started in 1950.

14 I remember it was decided that a club, the  
15 reason for incorporation, they should give  
16 the reason for incorporation, and if it was  
17 not for the purpose of holding real estate  
18 then we would not grant incorporation. Now,  
19 it was thought that was a bona fide reason.

20 THE COMMISSIONER: When did that  
21 become law?

22 A. That started, my lord, on  
23 July 1st, 1950, the policy, that if they  
24 did not hold real estate -- unless the  
25 reason was to acquire real estate incorporation  
26 would not be granted. This was a social  
27 club.

28 Q. Supposing real estate was not  
29 one of the objects?

30 A. No.



...followed by your Department in dealing with these cases...

A. Well, of the 100 applications...

that we returned, I think it is 10 were on...

adverse reports, and the others were --

Q. Possibly you would want to refer...

A. Yes. Of the 100 a number were...

refused because of police objection, and the...

balance were turned down because of a matter...

of departmental policy.

For example, the present policy, with...

...is that...

I remember it was decided that a line, the...

...the reason for incorporation, and it was...

not for the purpose of holding real estate...

then we would not grant incorporation. Now,

it was thought that was a bona fide reason.

THE COMMISSIONER: When did that...

...started, my lord, on...

July 1st, 1950, the policy, that is they...

did not hold real estate -- unless the...

person was to acquire real estate incorporation...

would not be granted. This was a policy...

and.

Q. Supposing real estate was not...

one of the objects?





1 Q. If it was not, then you would not  
2 grant the charter?

3 A. Yes, if the proposed club -- put  
4 it this way, my lord -- intended to hold  
5 real estate, then we would refer it to the  
6 police in the usual way, but if they did  
7 not intend to hold real estate we would not  
8 grant incorporation, and we would not even  
9 refer it to the police.

10 So a number of these 186 were turned  
11 down for that reason. They never got to the  
12 police. We would have an application, and  
13 enquiry would be made if they desired or  
14 if they intended to hold real estate, and  
15 if they said "no" then we would turn the  
16 application down and it would not go to the  
17 police. A number of these 186 are on that  
18 basis.

19 Then in the last year or so we have a  
20 policy that incorporation would not be  
21 granted to a social club unless it had  
22 been in existence as an unincorporated body  
23 for one year. That is subject to cases  
24 of special circumstances. Some have been  
25 refused for that.

26 So in other words, of the 186 they  
27 were not all turned down because of the  
28 police. I think it is 123 were turned  
29 down because of police objection.

30 MR. WILSON: Q. Before we leave this



Q. If it was not, when you would not

A. You, in the proposed case --

it this way, my lord -- intended to hold  
real estate, then we would refer it to the  
police in the usual way, and if they did  
not intend to hold real estate we would not  
grant incorporation, and we would not even  
refer it to the police.

No a number of these 100 were turned  
down for that reason. They never got to the  
police. We would have an application, and  
enquiry would be made if they desired or  
if they intended to hold real estate, and  
if they said "no" then we would turn the  
application down and it would not go to the  
police. A number of these 100 were turned  
down.

Then in the last year or so we have a  
policy that incorporation would not be  
granted to a social club unless it has  
been in existence as an unincorporated body  
for one year. That is subject to cases  
of special circumstances. Some have been  
refused for that.

So in other words, of the 100 that  
were not all turned down because of the  
police. I think in 100 were turned  
down because of police objection.

MR. WILSON: A. Before we leave this





1 question of the land being a condition precedent,  
2 is it not a fact that in July, 1955, that  
3 was amended to provide that if they intended  
4 to acquire land it would be sufficient ---

5 THE COMMISSIONER: That always was the  
6 rule as I understand Mr. Gudney.

7 I understood you to be saying that if  
8 the objects did not include the holding of  
9 land you did not even refer it to the  
10 police?

11 A. No, I am sorry, my lord. The  
12 objects -- sometimes the corporation would  
13 have the incidental power to hold real  
14 estate, and we would enquire if they desired  
15 incorporation for the purpose, if they  
16 intended to purchase real estate. If they  
17 said, "No, we don't", then we would turn  
18 the application down. We continued that  
19 policy until about 1956.

20 MR. WILSON: Q. Then what happened  
21 in 1956?

22 A. Well, I will say this. First  
23 of all the general policy from 1950 to 1956  
24 not to grant incorporation unless the  
25 reason was to hold real estate. Now, there  
26 was certain exceptions to that, such as an  
27 athletic club, I mean, with a large stadium.  
28 The stand might collapse or so on, or there  
29 were cases where people wanted to register  
30 certain clubs like a motorcycle club for an



Q Now, I understand you to be saying that all  
the objects did not include the holding of  
land you did not even refer to the  
policy?

A Yes, I am sure, yes.

Q -- something the corporation would  
have the financial means to hold land  
estate, and we would endorse it they desired  
the application for the purpose of the  
company or person who owned it.  
said, "No, we don't," then we would turn  
the application down. We continued that  
which will show that

Q All right, so the policy was  
in 1960?

A Well, I will say that. From  
of all the general policy from 1950 to 1960  
not to grant incorporation unless one  
was certain exceptions to that, such as an  
esthetic club, I mean, with a large building.  
The stand might collapse or so on, or there  
were cases where people wanted to register





1 international competition, and one of the  
2 conditions precedent was incorporation.

3 If they could give us some good reason  
4 such as that, then even though they were not  
5 going to hold real estate we would grant it,  
6 but the general rule was that they would  
7 have to own, they have to intend to purchase  
8 real estate.

9 Then in 1956 that real estate rule  
10 was repealed because although the law had  
11 not changed, the thinking seemed to be  
12 that the liability of members of a club --  
13 I don't mean those that carry on illegally,  
14 but there are 3,200 clubs in Ontario  
15 altogether -- that the liability has never  
16 been fully settled, I do not believe,  
17 according to the jurisprudence, as to how  
18 far a member may be liable and whether he  
19 might be liable the same as a partner in a  
20 business.

21 It was thought that there were many  
22 groups who did desire incorporation for  
23 some other reason and had a good legitimate  
24 reason other than just the purchase of  
25 real estate, and we dropped the real  
26 estate requirement.

27 Q. Will you just briefly tell us  
28 what the internal procedure was in the  
29 Department in respect of 183 clubs where  
30 the applications were refused, particularly



international competition, and one of the

if they could give us some good reason

such as that, then even though they were not

going to hold real estate we would grant it,

but the general rule was that they would

not be allowed to hold real estate.

That was the rule.

Then in 1900 that real estate rule

was repealed because although the law had

not changed, the thinking seemed to be

that the liability of members of a club --

I don't mean those that carry on liability,

but there are 2,500 clubs in Ontario

altogether -- that the liability has never

been fully settled, I do not believe,

according to the jurisprudence, as to how

far a member may be liable and whether he

might be liable the same as a partner in a

business.

It was thought that there were many

groups who did desire incorporation for

some other reason and had a good legitimate

reason other than just the purchase of

real estate, and we dropped the real

estate requirement.

Will you just briefly tell us

what the internal procedure was in the

Department in respect of 103 clubs where

the applications were refused, particularly





1 with reference to the referral?

2 A. Well, I issued a direction to the  
3 solicitors on July 11th, 1950 (it appears in  
4 Appendix D) setting out the policy and asking  
5 that applications for incorporation of clubs  
6 to be taken up with me personally before any  
7 decision is made or the letters patent were  
8 engrossed, and the solicitors in the  
9 Department (there were not too many at that  
10 time) would take up the application with  
11 me with the police reports. I would read  
12 them over. If in my opinion the police  
13 report was such, if there was a possibility  
14 of the public interest being affected, I  
15 would refuse the application. On the other  
16 hand, if there was some question ---

17 THE COMMISSIONER: You mean if the  
18 public interest was adversely affected?

19 A. Adversely affected, would be  
20 adversely affected, I would refuse the  
21 application. On the other hand, if there  
22 may be some doubt or the police report  
23 was not conclusive, if there was anything  
24 other than approval of the application,  
25 I would take it up with my Minister. I do  
26 not recall any case where the police report  
27 was other than containing favourable, of  
28 granting it on my own without taking it up  
29 with the Minister. I don't have knowledge  
30 of any cases.



A. Well, I issued a direction to the solicitors on July 11th, 1930 (it appears in the records) asking them to bring me some information for investigation of cases in which the public interest was affected. I would have been made on the letters present were enclosed, and the solicitors in the Department (there were not too many at that time) would take up the application with me with the police reports. I would read them over. If in my opinion the police report was such, if there was a possibility of the public interest being affected, I would refuse the application. On the other hand, if there was some question ---

THE COMMISSIONER: You mean in the

public interest was adversely affected? A. Adversely affected, would be adversely affected, I would refuse the application. On the other hand, if there may be some doubt on the police report was not conclusive, if there was anything other than approval of the application, I would take it up with my Minister. I do not recall any case where the police report was other than containing favorable, or granting it on my own without taking it up





1 MR. WILSON: Q. Restricting this for  
2 the moment to the 183 that are referred to in  
3 Appendix I, would any of those reach  
4 ministerial level, or would you make the  
5 final decision?

6 A. In Appendix I?

7 Q. Yes, the 183, I think it is, we  
8 are talking about?

9 A. Oh, well, I would -- many of  
10 those did not reach ministerial level.

11 Q. Did any of them?

12 A. Likely some of them did, yes.

13 Q. Likely some of them did?

14 A. Yes.

15 Q. In other words, you would discuss  
16 some of them with the Minister?

17 A. Yes.

18 Q. From time to time, who was in  
19 office?

20 A. Oh, I know I did. I just can't,  
21 in going through this, say how many there  
22 were that I did and how many I did not.

23 Q. We have another group of  
24 applications, on the basis of Appendix H,  
25 in this same period, where the police reports  
26 were other than completely favourable. Now,  
27 how many are involved in that particular  
28 group?

29 A. Well, there are 27 on incorporation  
30 and two on supplementary.



Mr. Wilson: I am suggesting this for

the moment to the fact that are referred to in

Appendix I, would any of those people

be interested in the fact that they are

being referred to?

A. Yes, I think so.

Q. Yes, the fact, I think is in, we

are talking about

A. Oh, well, I would -- many of

them are all very interested in it.

A. Yes, I think so.

A. Likely some of them did, yes.

Q. Likely some of them did?

A. Yes.

Q. In other words, you would disagree

some of them with the Ministry?

A. Yes.

Q. From time to time, was it

office?

A. Oh, I know I did. I was one of

in going through this, say how many there

were that I did and how many I did not.

Q. We have another group of

applications, on the basis of Appendix II,

in this same period, where the police reports

are given, and the fact that they are

how many are involved in that particular

group?

A. Well, there are 27 on the application

and two on supplementary.





1 Q. And that again, of course, is in  
2 the same period we are discussing, July 1st, 1950?

3 A. Yes.

4 Q. To December 11th, 1961?

5 A. Yes.

6 Q. Now, just tell us how those  
7 applications were handled with particular  
8 reference to the report of the police  
9 authorities to whom the matter was referred?

10 A. Of the 27 and the two, Mr. Wilson?

11 Q. Yes.

12 A. Well, those reports would be  
13 brought to my attention. There was the odd  
14 one in the group that I refused and later  
15 were granted. The others to the best of my  
16 knowledge were taken up with the Minister,  
17 because in these cases I would not take the  
18 responsibility on myself of dealing with it  
19 if there was anything but a favourable  
20 report.

21 Q. That group would be the group  
22 we have learned in Appendix H, starting with  
23 the Albion Golf Association Limited and  
24 ending with the Yacht Club of Port Credit.  
25 I take it that in respect of that group  
26 you would discuss the adverse reports with  
27 the then Minister?

28 A. That is right, or the acting  
29 Minister.

30 Q. Then in the cases, or in these



Q. And that again, of course, is in the same period we are discussing, July 1937, 1938?

A. Yes.

Q. Now, that's all in how these applications were handled with respect to reference to the report of the police investigation as well as the report of the group?

A. Of the Q and the two, Mr. Conway?

Q. Yes.

A. Well, those reports would be brought to my attention. There was the one in the group that I refused and later were granted. The others to the best of my knowledge were taken up with the Minister, because in these cases I would not take the responsibility on myself of dealing with it. It was the Minister who was responsible.

Q. That group would be the group we have found in Appendix A, starting with the Alden Golf Association Limited and ending with the Yacht Club of Port Credit. I take it that in respect of that group you would discuss the diverse reports which were made?

A. That is right, on the sailing.

Q. Then in the cases, or in these





1 cases, despite the adverse reports, a decision  
2 was reached to grant the charter?

3 A. Yes.

4 Q. And you say in those cases you  
5 would look to your Minister to take the  
6 final responsibility?

7 A. That is true.

8 Q. But also you mentioned that in a  
9 few instances you had earlier refused the  
10 application?

11 A. Yes.

12 Q. And then the Minister dealt with  
13 the matter and granted the application?

14 A. Yes, there is just the odd one.

15 Q. Let us deal with those which,  
16 as I understand it from what you have told  
17 me, the first of those in that category --  
18 and there are three in all?

19 A. There is a fourth one here,  
20 Mr. Wilson, the Yacht Club of Port Credit.

21 Q. That one I don't think you  
22 brought to my attention?

23 A. No, I didn't, I am sorry.

24 Q. Then let us deal with the Algonquin  
25 Community Club. Now, do you say that in that  
26 case -- it is at page 3 in Appendix H -- in  
27 that case we had read to us yesterday by  
28 the Minister the particulars of the  
29 application that was made as of the 25th  
30 day of April, 1960, and the report of the



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case, despite the adverse report, a decision  
was reached to grant the charter?

Q. And you say in those cases you  
would look to your Minister to take the

A. That is true.  
Q. But also you mentioned that in a

A. Yes.  
Q. And then the Minister would also

A. Yes, there is just the odd one.  
Q. Not on deal with those which,

as I understand it from what you have told  
me, the first of those in that category --  
and there are three in all?

A. There is a fourth one here.  
Q. That one I don't think you

A. No, I didn't, I am sorry.  
Q. Then let us deal with the Algonquin

Community Club. Now, to you say that in that  
case -- it is on page 3 of Appendix B -- in  
that case we had read to us yesterday by  
the Minister the particulars of the  
application that was made as of the begin-  
ning of April, 1900, and the report of the





1 Ontario Provincial Police was dated 9th June,  
2 1960, and refers to a dispute which occurred  
3 in a club organized in a church at Algonquin,  
4 and the report concluded, and I quote:

5 "It is the writer's opinion,  
6 "also the opinion of both (the above  
7 "persons) the aforementioned being  
8 "a church affair due to the friction  
9 "being two clubs, it would not be  
10 "advisable to grant the application  
11 "for incorporation of the Algonquin  
12 "Community Club."

13 Do I understand that following the receipt of  
14 that report you, without consultation with  
15 your Minister, wrote a letter refusing the  
16 application?

17 A. Yes, there was nothing, I may  
18 say, really in that case, there is nothing  
19 to do with any illegality in this case  
20 of this Algonquin Community Club, but it  
21 was my understanding (I may have been wrong)  
22 that it was not only a place or village  
23 called Algonquin but the church was known  
24 as the Algonquin Church and that there  
25 were two groups in the church that were  
26 apparently having ---

27 THE COMMISSIONER: At loggerheads with  
28 one another?

29 A. That is right, and I did not  
30 think that, well, we should give the name



...and refers to a dispute which occurred  
in a club organized in a church at Algonquin,  
and the same subject, and I stated:  
"It is the writer's opinion,  
"also the opinion of both (the above  
"persons) the Government being  
"a church which due to the fact  
"being two clubs, it would not be  
"advisable to grant the application  
"for incorporation as the Algonquin  
"Club."

Do I understand that following the receipt of  
from the club, which was received by the  
from the club, which was received by the  
...  
A. Yes, there was nothing, I may  
say, really in that case, there is nothing  
to do with any illegality in this case  
of this Algonquin Community Club, but in  
was my understanding (I may have been wrong)  
that it was not only a place or village  
called Algonquin but the church was known  
as the Algonquin Church and that there  
were two groups in the church that were

...  
A. That is right, and I did not  
think that, well, we should give the name





1 to one group and not the other group, that one  
2 group should take "Algonquin."

3 MR. WILSON: Going back to my question,  
4 did you discuss that particular application  
5 with the Minister?

6 A. No, I did not.

7 Q. Before you wrote refusing?

8 A. No.

9 Q. Then how did the matter come to  
10 the attention of the Minister?

11 A. May I refer to my file here?

12 Q. Yes, certainly. Mr. Cudney,  
13 would you like to have one of your assistants  
14 help you with those files?

15 A. Yes, thank you. Well, I see the  
16 Department wrote to the solicitors for the  
17 applicants on June 28th, 1960, advising  
18 that incorporation in fact would not be  
19 granted. Then there is a letter to Mr.  
20 Yaremko, the Minister, from the Hon. Mr. Cass,  
21 Minister of Highways, attaching a letter in  
22 support of the application. May I read it?

23 THE COMMISSIONER: A letter from whom  
24 to whom?

25 A. The Hon. Mr. Cass to the Hon.  
26 Mr. Yaremko. Should I read it, my lord?

27 Q. You say, in support of it?

28 A. Yes.

29 Q. In which he includes some communication  
30 which he had?



group should take "Algonquin."

Mr. Wilson: Would that be an objection?

Did you discuss that particular application?

Was it discussed?

A. No, I did not.

Q. Before you were returning?

A. No.

Q. Then how did the matter come to

the attention of the Minister?

A. May I refer to it later?

Q. Yes, certainly.

Would you like to have one of your assistants

write that letter for you?

A. Yes, thank you. Well, I see the

Department wrote to the solicitors for the

application on June 28th, 1960, advising

that incorporation in fact would not be

granted. Then there is a letter to Mr.

Yaremko, the Minister, from the Hon. Mr. Green,

Minister of Highways, requesting a letter in

support of the application. May I read it?

THE COMMISSIONER: A letter from whom

to whom?

A. The Hon. Mr. Green to the Hon.

Mr. Yaremko. Should I read it, my lord?

Q. You say, in support of it?

A. Yes.

Q. In which he included some recommendations

which he had?





1 A. Yes, communication.

2 MR. WILSON: Q. This is after you had  
3 refused the application?

4 A. After I had refused it, yes.

5 This letter was dated November 10th, 1960.

6 Q. What does the letter say? Would  
7 you just read it?

8 A. This is a letter dated November 10th,  
9 1960, from the Hon. Mr. Cass to the Hon. John  
10 Yaremko:

11 "Dear John:

12 "I am enclosing copies of  
13 "correspondence received by me  
14 "concerning a charter for a proposed  
15 "club, Algonquin Community Club.

16 "I would be glad if you would look  
17 have

17 "into this and let me something

18 "to write these people. It seems

19 "to me that there should at least

20 "be a reason given when such a

21 "charter is refused. Thanks."

22 Then this is the letter, a letter signed  
23 by Carl Knapp, Algonquin R.R. 2, addressed to  
24 the Hon. Mr. Cass.

25 THE COMMISSIONER: I suppose there is a  
26 bunch of them, is there?

27 A. Yes, my lord. There is a copy ---

28 Q. Do we need to read them all?

29 I suppose they are letters written against  
30 the refusal?



MR. LINDON: 6. This is after you had

What does the letter say? Would

This letter was dated November 10th, 1900.

9. What does the letter say? Would  
you just read it?

10. This is a letter dated November 10th,  
1900, from the Hon. Mr. Cass to the Hon. John

"I am enclosing copies of

"correspondence received by me

"relating to the case of the

"Hon. Mr. Cass, Attorney General, etc.

"I would be glad if you would look  
into this and let me know what

"to write these people. It seems  
to me that there should at least

"be a reason given when such a  
character is refused. Thank."

Then this is the letter, a letter signed  
by Carl Knapp, Attorney General, dated to

the Hon. Mr. Cass.

THE COMMISSIONER: I suppose there is a

branch of them, is there?

11. Yes, my lord. There is a copy --

12. Do we need to read them all?

I suppose they are letters written against





1 A. Yes.

2 Q. And giving reasons why they think  
3 that the application should be granted?

4 A. That is right.

5 MR. WILSON: Q. Is that written by Earl  
6 or Carl Knapp, because I see ---

7 A. I am sorry, it is Earl.

8 Q. Yes, I see the applicant is Earl.

9 A. Earl R. Knapp.

10 Q. I take it that he sets out reasons  
11 why he thinks the application should be  
12 granted?

13 THE COMMISSIONER: I would think so.

14 MR. WILSON: Q. I would assume so.

15 A. Yes.

16 Q. Then what took place?

17 A. Then there is a letter, copy of a  
18 letter from Mr. Yaremko to Mr. Cass, advising  
19 that the letters patent will be issued if  
20 the fee is submitted.

21 Then there is a further letter dated  
22 December 14th, 1960, from Mr. Yaremko to  
23 Mr. Cass saying that he has written the  
24 solicitors for the applicant advising that  
25 the letters patent had issued.

26 THE COMMISSIONER: Do we need to spend  
27 more time on that? It looks to me like a  
28 tempest in a teapot.

29 MR. WILSON: I think so.

30 Q. The next one you mentioned, I



Q. Yes.

A. That the application should be granted?

Q. That is right.

A. I am sorry, it is not.

Q. Yes, I see the applicant is not.

Q. I take it that he sets out reasons

why he thinks the application should be

granted?

A. Yes.

Q. Then what took place?

A. Then there is a letter, copy of a

letter from Mr. Wilson to Mr. [unclear] stating

that the [unclear] points will be [unclear] in

Then there is a further letter dated

Mr. [unclear] saying that he has written the

application for the applicant advising that

THE COMMISSIONER: Do we need to spend

more time on that? It looks to me like a

comment in a report.

Mr. Wilson: I think so.

Q. The next one you mentioned, I





1 think, was the Apter Friendly Society, and that  
2 appears in Appendix I at page 26 -- Appendix H  
3 rather, Mr. Commissioner.

4 A. Page 26?

5 Q. It is referred to in Appendix H  
6 at page 26, but then when we look there we  
7 find that it is discussed in the brief proper  
8 and the page there will be page 70. This  
9 is one of the clubs mentioned by Mr.  
10 Wintermeyer in his speech at page 98, and  
11 the Provincial Secretary's answer is found  
12 at page 70.

13 A. Yes. Now, you wish me to review  
14 the file on that, Mr. Wilson?

15 Q. Yes, I understand that is one  
16 where you refused the application?

17 A. Yes.

18 Q. Did you in that instance refuse  
19 the application before or after consultation  
20 with the Minister?

21 A. Before consultation with the  
22 Minister.

23 Q. Now, strictly speaking, under  
24 the law relating to social clubs, whose  
25 final responsibility is it to grant or  
26 refuse an application of this kind?

27 A. It would be the Minister's.

28 Q. So that in this instance you  
29 did refuse it without consultation with the  
30 Minister at all?

B/4



which, was the Actor Training Society, and which appears in Appendix I at page 20 -- Appendix II

Appendix II, page 21.

A. Page 20.

Q. It is referred to in Appendix II

at page 20, but then when we look there we

find that it is discussed in the next page

and the page there will be page 20. This

is one of the clubs mentioned by Mr.

Winterstein in his speech at page 20, and

the Provincial Secretary's answer is found

in page 21.

A. Yes. Now, you wish me to review

the list of clubs, Mr. Winterstein?

Q. Yes, I understand that is one

where you refused the application?

A. Yes.

Q. Did you in that instance refuse

the application before or after consultation

with the Minister?

A. Before consultation with the

Minister.

Q. Now, Mr. Winterstein, when

the law relating to social clubs, which

final responsibility is to grant or

refuse an application of this kind?

A. It would be the Minister.

Q. So that in this instance you

did refuse it without consultation with the

Minister at all?





1 A. Yes. Well, that had been the  
2 practice over the years.

3 Q. I am not criticizing it. I take  
4 it that in many instances, say, in that group  
5 of 183, the Minister never even knew about the  
6 application?

7 A. In certain instances, yes.

8 Q. Because it was so clear?

9 A. Yes.

10 Q. That it was not a proper application?

11 A. Yes.

12 Q. Well, in this particular one the  
13 Minister knew nothing about it at the time  
14 you wrote refusing the application?

15 A. No.

16 Q. Now then, carry on from there.  
17 What happened?

18 A. Well, an application was received  
19 dated October 20th, 1959. By the way, there  
20 is reference, Mr. Wilson, to a former  
21 application in 1951. Do you wish, my lord ---

22 THE COMMISSIONER: I read it here.  
23 That application was refused?

24 A. Yes. Will I carry on with the  
25 1959 ---

26 Q. Then in 1959 a new application?

27 A. A new application came in. The  
28 application was referred by a departmental  
29 solicitor to the Provincial Police and to the  
30 Chief of the Morality Branch, Metropolitan



A. Yes, well, that has been the

Q. I am not criticizing it. I think

is that in many instances, say, in that group  
of 183, the Minister never even knew about the

A. In certain instances, yes.

Q. Because it was so close?

A. That it was not a proper application?

Q. Well, in this particular one the

Minister knew nothing about it at the time

was made regarding the application?

A. No.

Q. Now then, carry on from there.

What happened?

A. Well, an application was received

dated October 20th, 1933. By the way, there

is reference, Mr. Wilson, to a former

application in 1931. Do you wish, my lord --

THE COMMISSIONER: I need it here.

That application was refused?

A. Yes. Will I carry on with the

Q. Then in 1933 a new application?

A. A new application came in. The

application was referred by a departmental

collector to the provincial police and to the

Chief of the Morality Branch, Metropolitan





1 Toronto Police, and a reply was received from  
2 the Provincial Police. Will I read the  
3 report, my lord?

4 Q. Yes.

5 A. "With reference to the above  
6 "noted and further to memo from  
7 "Commissioner James Bartlett dated  
8 "December 21st, 1959, and attached  
9 "copy of a letter from Thomas H.  
10 "Thomson, solicitor for the  
11 "Deputy Provincial Secretary, with  
12 "your minute thereon to the Toronto  
13 "detachment dated December 22nd,  
14 "1959, the following is for your  
15 "information.

16 "2. On checking with our O.H.Q.  
17 "file and with Metropolitan Toronto  
18 "Police criminal and non-criminal  
19 "records, no file was found on any  
20 "of the applicants listed. The  
21 "president of this club is Mr.  
22 "Harry Merton Goodman, 246 Brook  
23 "Avenue, Toronto. On interviewing  
24 "this man at his home, I was  
25 "advised that this society is only  
26 "for persons from a small town in  
27 "Poland or their direct descendants  
28 "now in Canada, and that they hoped  
29 "to form a charity division within  
30 "the society for the benefit of



Toronto Police, and a reply was received from  
the Provincial Police. Will I need the  
report, my lord?  
Q. Yes.  
A. With reference to the above  
"noted and further to memo from  
"December 21st, 1952, and attached  
"copy of a letter from Thomas H.  
"Thomson, solicitor for the  
"Deputy Provincial Secretary, with  
"your minute thereon to the Toronto  
"detachment dated December 22nd,  
"1952, the following is for your  
"information.  
"2. On checking with our G.M.C.  
"file and with Metropolitan Toronto  
"records, no file was found on any  
"of the applicants listed. The  
"President of this club is Mr.  
"Avenue, Toronto. On interviewing  
"this man at his home, I was  
"advised that this society is one  
"for persons from a small town in  
"Poland or their direct descendants  
"now in Canada, and that they hoped  
"to form a charity division within  
"the society for the benefit of





1 "the members and their families as the  
2 "treasury now holds about \$5,000.  
3 "Also they presently have a cemetery  
4 "owned by two members of the club,  
5 "and if granted a charter this ground  
6 "will become the property of the  
7 "society. Mr. D. Otton, mayor of  
8 "Newmarket where Mr. Goodman has a  
9 "business, was contacted and advised  
10 "me that while he is a friend of  
11 "Goodman's he would say that Goodman  
12 "is an honest person and that it  
13 "would be a great surprise to him  
14 "if the club ever had any trouble  
15 "in a gambling manner, as he did  
16 "not know of Goodman being that  
17 "type of person. Mr. Otton is a  
18 "lawyer. I should add that I was  
19 "advised by Goodman himself that  
20 "they did have a member whose name  
21 "was Ike Rush, 131 Clifton Avenue,  
22 "Downsview, aged about 40, with a  
23 "criminal record, and when they  
24 "learned this of Rush he was  
25 "expelled from the society and  
26 "not allowed to return. The vice-  
27 "president of this club is Mr.  
28 "Max Glatt, 239 Markham Street,  
29 "Toronto. He advised me that he  
30 "has been a member since 1945 and



"the members and their families as the  
treasury now holds about \$2,000.  
"Also they presently have a cemetery  
"owned by two members of the club,  
"and it planned a cemetery with a  
"will become the property of the  
"club."  
"Remembered where Mr. Goodman has a  
"business, was connected and advised  
"me that while he is a friend of  
"the club, he is not a member.  
"Is an honest person and that is  
"would be a great surprise to him  
"if one day ever had any trouble  
"in a gambling matter, as he did  
"not know of Goodman being that  
"type of person. Mr. Goodman is a  
"lawyer. I should add that I was  
"advised by Goodman himself that  
"they did have a member whose name  
"was Ike Rubin, 121 Carlton Avenue,  
"Toronto, aged about 40, with a  
"criminal record, and when they  
"learned this of Rubin he was  
"expelled from the society and  
"not allowed to return. The vice-  
"president of this club is Mr.  
"Toronto. He advised me that he  
"has been a member since 1944 and

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1 "has lived at his present address since  
2 "1953. On checking with those in his  
3 "area I received a good report  
4 "regarding his character and general  
5 "reputation.

6 "The financial secretary of  
7 "this club is Mr. Isadore William  
8 "Cowitz, 1687 Bathurst Street,  
9 "Toronto. On visiting him I was  
10 "advised the same as what Goodman  
11 "told me, and that they hoped to  
12 "form a charity division and have  
13 "a cemetery under the name of the  
14 "charter. On checking in his  
15 "area I received good reports also.

16 "6. The treasurer is Mr. Sam  
17 "Slateman, 509 Bedford Park Road,  
18 "Toronto. He advised me that they  
19 "would like to be a legal  
20 "organization and form a section  
21 "to help sick and disabled members  
22 "with the money now in the treasury,  
23 "and that all members are or have  
24 "descended from members of a small  
25 "town called Apter in Poland. On  
26 "checking with the Department of  
27 "Health I find that complaints  
28 "had been received from the area  
29 "of 216 Beverley Street, Toronto,  
30 "where the society have club property.



"has lived at his present address since  
1911. On checking with those in his  
area I received a good report  
regarding his character and general  
reputation.  
"The financial records of  
this club is Mr. Theodore William  
Brown, who is also a member.  
"Toronto. On visiting him I was  
advised that he is a member of the  
club and that they hoped to  
form a country division and have  
a cemetery under the name of the  
club. On checking in his  
area I received good reports also.  
"The treasurer is Mr. Sam  
Graham, 209 Bedford Park Road,  
Toronto. He advised me that they  
would like to be a lodge  
organization and form a section  
to help sick and disabled members  
with the money now in the treasury,  
and that all members are to have  
descended from members of a small  
town called Apes in Poland. On  
checking with the Department of  
Health I find that complaints  
had been received from the area  
of 210 Beverly Street, Toronto,  
where the society have a club property.





1 "I contacted the Independent Mutual  
2 "Benefit Association, 214 Beverley  
3 "Street, re the club, and was advised  
4 "that twice in 1959 and twice in 1958  
5 "they complained of flies around  
6 "the garbage left by the Apter  
7 "Society as they frequently have  
8 "dinners for members and are  
9 "careless in disposing of waste.  
10 "The Fire Department recommended  
11 "that two exits be changed, but  
12 "otherwise had no objection.  
13 "On my inspection of the premises  
14 "I found there are three storeys  
15 "to the building and only one fire  
16 "extinguisher. The Building and  
17 "Development Department of the  
18 "City of Toronto have no objection  
19 "to the granting of the charter.  
20 "8. On further investigation I  
21 "learned that this club applied  
22 "for an incorporation in 1951 and  
23 "were turned down. For my part I  
24 "cannot see why this charter should  
25 "be granted at this time. I see  
26 "no reason why their objects cannot  
27 "be attained with or without a  
28 "charter, having in mind the objects  
29 "listed by Mr. Thomas H. Thomson,  
30 "solicitor for the Apter Friendly



"Benefic Association, 814 Westley  
these twice in 1920 and twice in 1925  
they complained of flies around  
the garbage left by the upper  
society as they frequently have  
claims for waste and are  
careless in disposing of waste.  
The City Department has been told  
that two exits be changed, one  
entrance and one exit.  
The investigation of the situation  
has been made and it was found  
to be satisfactory and all the time  
necessary. The building was  
development department of the  
City of Toronto have no objection  
to the granting of the charter.  
3. On further investigation I  
learned that this club applied  
for an incorporation in 1921 and  
were turned down. For my part I  
cannot see why this charter should  
be granted at this time. I see  
no reason why their objects cannot  
be obtained with or without a  
charter, having in mind the object  
of the Benefic Association.

Application for the After-Friday





1 "Society."

2 He is the Departmental solicitor.

3 "I do not recommend this application.

4 "Respectfully submitted,"

5 and signed G.T. Moore, Provincial Constable.

6 Then there is a report from the  
7 Metropolitan Toronto Police.

8 Q. It should be read into the record,  
9 I suppose.

10 THE COMMISSIONER: We do not need to file  
11 that. It is part of the evidence.

12 A. There is a report, my lord, from  
13 the Metropolitan Toronto Police, February 1st,  
14 1960, with a covering letter by Chief Mackey,  
15 addressed to Thomas H. Thomson, Departmental  
16 Solicitor, Provincial Secretary's Department:

17 "Dear Sir: [unclear] [unclear] [unclear]

18 "Re Apter Friendly Society

19 "Replying to your letter (and  
20 "enclosure) of December 18th, 1959,  
21 "regarding the application for  
22 "incorporation, I now attach for  
23 "your consideration copy of the  
24 "report dated January 26, 1960, which  
25 "has been submitted by Inspector  
26 "E.R. Walker, officer in charge of  
27 "our Morality Bureau. [unclear]

28 "I strongly concur in the  
29 "Inspector's recommendation that no  
30 "charter be granted to this society.



"I strongly concur in the  
Inspector's recommendation that no  
further be granted to this society."

"E.R. Walker, officer in charge of  
has been submitted by Inspector  
report dated January 25, 1900, with  
your consideration copy of the  
incorporation, I now attach for  
regarding the application for  
(enclosure) of December 18th, 1899,  
"Replying to your letter (and  
"Re given friendly society"

"Dear Sir:

Enclosed, please find a copy of the  
submitted to Council of the Metropolitan  
1900, with a covering letter by Chief Master,  
the Metropolitan Toronto Police, February 1st,  
A. There is a report, my Lord, from  
that. It is part of the evidence.  
THE COMMISSIONER: We do not need to file  
I suppose.

Q. It should be read into the record,

submitted to the Police,  
There is a report from the  
for James O.T. Smith, Metropolitan Toronto,  
"Respectfully submitted,"  
The two documents have been submitted,  
It is the Metropolitan Police.





1 "I might point out that members  
2 "John Cowitz and Alex Cowitz are two  
3 "of the most active bookmakers in  
4 "the downtown area and have been for  
5 "many years."

6 Then there is a report attached from the  
7 Metropolitan Toronto Police and this is  
8 addressed to James P. Mackey, Chief of Police,  
9 and signed by E.R. Walker, Inspector of  
10 Morality Bureau, dated January 26 , 1960:

11 "Re: Apter Friendly Society Incorporated

12 "Referring to the letter from  
13 "the Deputy Provincial Secretary dated  
14 "December 18, 1959, and on an  
15 "application for incorporation of  
16 "the above named society.

17 "A personal interview with  
18 "three of the applicants at the  
19 "Morality Bureau revealed that the  
20 "above named organization was formed  
21 "in the year 1945 with a view to  
22 "promoting good fellowship amongst  
23 "its members, and to provide  
24 "educational and social facilities  
25 "and assistance to its members.

26 "Meetings of the membership  
27 "of approximately 130 persons are  
28 "held twice a month, and a fee of  
29 "\$16 a year is levied. Article III  
30 "of the constitution of the club



"I might point out that members

"John Cowitz and Alex Gowitz and two

"of the most active bookshelves in

"the downtown area and have been for

"many years."

Then there is a report attached from the

Metropolitan Toronto Police and this is

addressed to James P. Mackey, Chief of Police,

and signed by E.A. Walker, Inspector of

Morality Bureau, dated January 20, 1960:

"Re: [illegible] [illegible] [illegible]

"Referring to the letter from

"the Deputy Provincial Secretary dated

"[illegible] [illegible] [illegible] [illegible] [illegible]

"application for incorporation of

"[illegible] [illegible] [illegible] [illegible]

"A personal interview with

"[illegible] [illegible] [illegible] [illegible]

"Morality Bureau revealed that the

"above named organization was formed

"in the year 1945 with a view to

"promoting good fellowship amongst

"its members, and to provide

"educational and social facilities

"and assistance to its members.

"Receipts of the membership

"of approximately 150 persons are

"held twice a month, and a fee of

"\$10 a year is levied. Article III

"of the constitution of the club





1 "which pertains to the membership, lays  
2 "down the following principles:

3 "Section 1 - Members must be of good  
4 "moral character.

5 "Section 6(a) - A vote of the members  
6 "will be taken to expel a member  
7 "who has been found guilty of a  
8 "criminal offence.

9 "A check of the membership list  
10 "shows amongst others the following as  
11 "members: John Cowitz, Alex Cowitz,  
12 "Meyer Cowitz, Louis Goodman, Sam  
13 "Goodman.

14 "The records of the Department  
15 "show the above five men as having  
16 "been convicted of criminal offences  
17 "(betting and gaming).

18 "One of the applicants, Isadore  
19 "Cowitz, is a brother of the John,  
20 "Alex and Meyer, also has been  
21 "convicted of recording or registering  
22 "bets, and he informed me that all  
23 "the persons mentioned in his report  
24 "are members in good standing.

25 "On February 8th, 1951, a  
26 "member of the same group made  
27 "application for the incorporation  
28 "of the Apter Friendly Society at  
29 "the same address, No. 216 Beverley  
30 "Street. This application was

B/5



"which pertains to the membership, says

"down the following principles:

"Section 1 - Members must be of good

character.

"Section 2 (a) - A vote of the members

"will be taken to expel a member

"who has been found guilty of a

crime.

"A check of the membership list

"shows amongst others the following as

members: John Smith, John Jones,

John Doe, John Brown, John

Black.

"The records of the Department

"show the above five men as having

"been convicted of criminal offenses

(records and more).

"One of the applicants, James

"Gordon, is a brother of the John,

"Alex and Meyer, also has been

"convicted of recording or registering

"votes, and he informed us that all

"the persons mentioned in his report

"are members in good standing.

"On February 28, 1921, a

"member of the same group made

"application for the incorporation

"of the After Friendly Society at

"the same address, No. 210 Beverly

"Street. This application was





1 "opposed and the charter was not granted.

2 "It is quite apparent from the

3 "foregoing that the directors of this

4 "club are not complying with their

5 "own constitution, and further that

6 "if the applicants are sincere in

7 "their desire to operate a friendly

8 "club along the lines indicated,

9 "the absence of the charter would

10 "create no barrier to the carrying

11 "out of any of the objects as

12 "outlined in the application.

13 "In regard to the suitability

14 "of the building at 216 Beverley

15 "Street for the purpose required,

16 "Leonard J. Leigh, Chief of the

17 "Toronto Fire Department, in a

18 "report dated December 30th, 1959,

19 "states:

20 "'As requested an inspection

21 "has been made of the above

22 "premises which is proposed to

23 "be used as a chartered club,

24 "and my inspector reports that

25 "the building is not satisfactory,

26 "due to the lack of proper exits."

27 Then Inspector Walker says:

28 "I am therefore opposed to the

29 "granting of the charter to the Apter

30 "Friendly Society, 216 Beverley Street."



"opposed and the question was not pressed."

"At the same time it was"

"stated that the question of the"

"club are not complying with their"

"own constitution, and further that"

"all the applications are sincere in"

"their desire to operate a friendly"

"club along the lines indicated,"

"the essence of the charter would"

"create no barrier to the carrying"

"out of any of the objects as"

"outlined in the application."

"In regard to the suitability"

"of the building for this purpose"

"Stress was laid on the purpose required,"

"Leonard J. Fitch, Chief of the"

"Toronto Fire Department, in a"

"report dated December 10, 1904,"

"stated:

"As requested an inspection"

"has been made of the above"

"premises which is proposed to"

"be used as a clubroom club,"

"and my inspector reports that"

"the building is not satisfactory,"

"due to the lack of proper exits."

"Then Inspector Warner says:

"I am therefore opposed to the"

"granting of the charter to the club"

"because of the lack of proper exits."





1           Then there was a letter, an application  
2 discussed with me -- there is a letter dated  
3 February 4th, 1960, from Thomas H. Thomson,  
4 Departmental Solicitor, who handled the  
5 application, addressed to the solicitors for  
6 the applicants:

7           "Dear Sirs:

8                       "ReApter Friendly Society Incorporated

9           "Further to my letter of January  
10          "14th, I would advise that it was not  
11          "deemed advisable to grant an  
12          "incorporation under the above name.  
13          "Accordingly I am making a recommendation  
14          "to refund the \$20 fee.

15                       "Yours truly,"

16          Q.          Then what happened after that?

17          THE COMMISSIONER: Can't we get it  
18 summarized as to what happened after that?

19          MR. WILSON: Maybe the witness can  
20 summarize it for us.

21          Q.          I just want to be clear, the five  
22 persons mentioned in the Metro report as  
23 having convictions were not among the  
24 applicants?

25          A.          No. I will just check that. The  
26 people who had convictions were John Cowitz,  
27 Alex Cowitz.

28          Q.          You read them out?

29          A.          Yes.

30          THE COMMISSIONER: But were they among



Then there was a letter, an application  
discussed with me -- there is a letter dated  
February 11, 1934, from James E. Wilson,  
Departmental Solicitor, who handled the  
application, addressed to the solicitor for  
the application:

Dear Sir:

"Further to my letter of January  
14th, I would advise that it was not  
deemed advisable to grant an  
incorporation under the above name.  
Accordingly I am making a recommendation  
to return the \$20 fee.

Yours truly,

Q. Then what happened after that?

THE COMMISSIONER: Can't we get to

the point where we are now?

MR. WILSON: Maybe the witness can

summarize it for us.

Q. I just want to be clear, the five

persons mentioned in the Negro report as

having convictions were not among the

applicants?

A. No. I will just check that, the

people who had convictions were John G. ...

John G. ...

Q. You read them out?

A. Yes.

THE COMMISSIONER: All right, let's go back to the





1 the applicants for incorporation?

2 A. No, they were not, my lord.

3 MR. WILSON: Q. Then tell us what happened  
4 after Mr. Thomson's letter was written?

5 THE COMMISSIONER: I was wondering if  
6 he could summarize it instead of reading and  
7 reading.

8 A. Yes, there was a memorandum to  
9 my Minister from myself. Apparently the  
10 matter had been taken up with the Minister  
11 at the time and I gave him, I say:

12 "I refer to our conversation  
13 "relative to the above application  
14 "for incorporation. In December,  
15 "1959, we received an application  
16 "for incorporation under the above  
17 "name and the club whose --- "

18 Q. This is Dr. Phillips, I take it?

19 A. Dr. Phillips.

20 Q. Can you just summarize it?

21 A. Well, I just advised that the  
22 application was refused and the grounds on  
23 which it was refused. Then there is a  
24 memorandum from Dr. Phillips advising, to  
25 summarize it, that the charter should be  
26 issued.

27 MR. WILSON: Q. What was the date of  
28 the issue of the charter?

29 A. The charter is dated March 28th, 1960.

30 Q. And since that time has there been



Q. The Commission: I was wondering if

he could summarize it instead of reading and  
repeating.

A. Yes, there was a memorandum to

my Minister from myself. Apparently the

matter had been taken up with the Minister

at the time and I gave him, I see:

"I refer to the Commission

"relative to the above application

"for incorporation. In December,

"1959, we received an application

"for incorporation under the above

"name and the club whose ---"

Q. Then in Dr. Phillips, I take it?

A. Dr. Phillips.

Q. Can you just summarize it?

A. Well, I just advised that the

application was refused and the grounds on

which it was refused. Then there is a

homestead from Dr. Phillips advising, to

summarize it, that the charter should be

issued.

Mr. Wilson: Q. What was the date of

the issue of the charter?

A. The charter is dated March 2nd, 1960.

Q. And since that time has there been





any complaint about this particular organization?

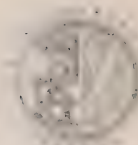
A. No, there has been no complaint from the police or any one else.

Q. Then I understand the next one that you ---

THE COMMISSIONER: I would like a recess.

---A short recess.

(Page 9650 follows)



any complaint about this particular organization?

A. No, there has been no complaint.

From the police or any one else.

C. Then I understand the next one.

That you ---

THE COMMISSIONER: I would like a record.

--- with record.

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---On resuming after recess.

THE COMMISSIONER: Provide Mr. Cudney with a chair at the table so he will not have to juggle those things.

---Chair provided at Reporter's table for witness.

MR. WILSON: Q. Appendix H. I think the next club that you mentioned to me as being one where you had written a letter refusing the application and the Minister subsequently made a decision to issue the charter. Is that correct?

A. Appendix H?

Q. Yes, the Spadina Card and Social Club.

A. That was a supplementary letters patent and these are in the period under review, Mr. Wilson. There was an application for supplementary letters patent. I have a summary here.

Q. Just before, so we will have the matter in the record, this is referred to in the brief, Exhibit 253, at page 78 and 79. And the charter was originally granted on April 21, 1949?

A. Yes.

Q. We are concerned with some problem, I assume, of an application for supplementary letters patent in 1957?



W/111

with a similar at the table so he will not have

---Chair provided at Reporter's table for  
witness.

Mr. Wilson: I am sorry to hear

the next day that you mentioned to me as being

one where you had written a letter referring

the application and the Minister subsequently

made a decision to leave the charter. Is

that correct?

Yes.

Q. Yes, the Spadina Ward and Social

Ward.

A. That was a supplementary letter

present and these are in the period under review.

Mr. Wilson: I am sorry to hear that

supplementary letters patent. I have a

question.

Q. Just before, so we will have the

matter in the record, this is referred to

in the brief, Exhibit 283, at page 70 and 71.

And the charter was originally granted on

April 11, 1907.

A. Yes.

Q. We are concerned with some provisions

I assume, of an application for supplementary

letters patent in 1917?





1 A. Yes.

2 Q. Now, then, directing your attention  
3 to that application for supplementary letters  
4 patent, what happened?

5 A. Well, the club applied for  
6 supplementary letters patent, to change the  
7 location of its premises to 560 King Street  
8 West, Toronto. The premises previously had  
9 been at --

10 THE COMMISSIONER: Q. 163½ Spadina?

11 A. Yes. The departmental solicitor  
12 referred the application to the Provincial  
13 Police and the Metropolitan Toronto Police. The  
14 Toronto police, Inspector Walker, replied  
15 that the new premises were leased from the  
16 Associated Toronto Taxicab Co-operative Limited,  
17 which used the rest of the building. The  
18 Co-operative had received no notice that the  
19 Spadina Club would seek to move into the  
20 premises, which at the moment were occupied  
21 by the St. Patrick Recreation Club. Further,  
22 the Spadina Club had apparently not occupied  
23 the premises at 193½ (sic) Spadina Avenue.

24 Q. 163½.

25 A. Yes. I am sorry, that is a  
26 misprint.

27 The Provincial Police replied that one  
28 room in the King Street premises was capable  
29 of use for gaming; that the charter which had  
30 not been previously connected with the taxi



Q. Now, then, directing your attention

to that application for supplementary letters

patent, was it?

A. Well, the club applied for

supplementary letters patent, to change the

location of its premises to 550 King Street

West, Toronto. The premises previously had

been at --

THE COMMISSIONER: O. J. J. J. J.

A. Yes, the premises were at

referred the application to the Provincial

Police and the Metropolitan Toronto Police. The

premises were at 550 King Street West, Toronto.

that the new premises were leased from the

premises were at 550 King Street West, Toronto.

which used the rest of the building. The

Co-operative had received no notice that the

Shadown Club would seek to move into the

premises, which at the moment were occupied

by the St. Patrick Recreation Club. Further,

the Shadown Club had apparently not occupied

the premises at 133 1/2 (2nd) (3rd) Avenue.

Q. 1935.

A. Yes. I am sorry, that is a

mistake.

The Provincial Police replied that one

room in the King Street premises was capable

of use for running; that the quarter which had

not been previously connected with the building.





1 drivers had been acquired by one A. Greenberg,  
2 who was manager, and the club was operating on  
3 the new premises before supplementary letters  
4 patent had been received; and that the  
5 president of the taxi Co-operative would see  
6 to it that the club operated within the law;  
7 and the Provincial Police were opposed to the  
8 granting of supplementary letters patent.

9 Then, there is a memorandum from the  
10 Department's solicitor to me, outlining the  
11 Provincial Police reports. This is a letter  
12 from D. McNeill, departmental solicitor, to  
13 me, November 18, 1957, in which he outlines  
14 the police reports.

15 Then, there is a further report from  
16 the Toronto City Police in which they oppose  
17 the application. Acting Inspector A.R. Glover  
18 states:

19 "Some form of recreation for  
20 "these drivers is good in my opinion,  
21 "but the possibility of card games  
22 "becoming a blind for large scale  
23 "gambling being a greater possibility,  
24 "I therefore, cannot recommend that  
25 "the change, from 163½ Spadina  
26 "Avenue to 560 King Street West,  
27 "be granted."

28 There is a letter, then, from Mr. D. McNeill,  
29 dated December 31, 1957, to the Provincial  
30 Police and the Toronto City Police, saying that



drivers had been secured by one A. Greenberg,  
 and the fact that the card was secured by  
 the same person, Greenberg, is significant.

Recent had been received; and that the  
 president of the card co-operative would not  
 be in the line of the card co-operative  
 and the fact that the card co-operative is  
 a part of the card co-operative is significant.

Then, there is a memorandum from the  
 Department's solicitor to me, outlining the  
 Provincial Police report. This is a letter  
 from D. McNeill, departmental solicitor, to  
 me, November 18, 1957, in which he outlines  
 the police report.

Then, there is a further report from  
 the Toronto City Police in which they oppose  
 the application. Acting Inspector A.R. Glover

"Some form of recreation for  
 these drivers is good in my opinion,  
 but the possibility of card games  
 becoming a blind for large scale  
 gambling being a greater possibility.  
 Therefore, cannot recommend that

"Avenue to 500 King Street West,

There is a letter, then, from Mr. D. McNeill,  
 dated December 31, 1957, to the Provincial  
 Police and the Toronto City Police, saying that





1 the application -- it had been decided to  
2 grant the supplementary. Now, that is later.  
3 There was a letter from me to the solicitor  
4 for the applicants on December 2, in which I  
5 say:

6 " In view of the reports received  
7 "I regret we are unable to grant such  
8 "application . . ." -  
9 and recommending the refund of the fee.

10 Apparently the matter was taken up with  
11 the Minister and the application was later granted.

12 MR. WILSON: Now, the then Minister was  
13 Mr. Dunbar.

14 THE COMMISSIONER: Yes.

15 MR. WILSON: Well, I do not think there  
16 is any question about that.

17 A. Yes, Mr. Dunbar. I am sorry.

18 Q. And he exercised his discretion  
19 to grant the application?

20 A. Yes.

21 Q. That club had been operating for  
22 ten years prior to the application for  
23 supplementary letters patent?

24 A. Yes.

25 Q. And in that time had there been  
26 any complaint in respect to that particular  
27 club?

28 A. No, I can see nothing on file,  
29 Mr. Wilson.

30 Q. If the application for supplementary



the application for the grant of a license to  
 grant the application. Now, that is later.  
 There was a letter from the Minister  
 for the application on December 2, in which I

"In view of the reports received  
 "I regret we are unable to grant your  
 "application . . ."

and recommending the refund of the fee.  
 Apparently the matter was taken up with  
 the Minister and the application was later renewed.  
 MR. WILSON: Now, the then Minister was

MR. WILSON: Well, I do not think there  
 is any question about that.

A. Yes, Mr. Dunbar. I am sorry.  
 Q. And he exercised his discretion

to grant the application?  
 A. Yes.  
 Q. That club had been operating for  
 ten years prior to the application for

A. Yes.  
 Q. And in that time had there been

any complaint in respect to that particular  
 club?  
 A. No, I can see nothing on file.

MR. WILSON:

Q. Is the application for a license?





1 letters patent had been refused the corporate  
2 entity would still exist?

3 A. Yes.

4 Q. In other words, they would carry  
5 on but --

6 A. At the other --

7 Q. -- not at the 560 King Street West  
8 address?

9 A. Yes.

10 Q. There is one I think you mentioned  
11 in Appendix H. I think that was the Yacht  
12 Club of Port Credit.

13 A. I have sent for the file on that,  
14 my lord. It should be here any moment. It  
15 is at the Parliament Buildings.

16 Q. It is referred to in Appendix H  
17 at page 25. Now, maybe, without getting  
18 the file, you could briefly tell us what the  
19 problem was there? Look at the facts as set  
20 out in Appendix H at page 25.

21 A. Yes.

22 MR. WILSON: I do not think it is in  
23 the brief, Mr. Commissioner. It is not one  
24 mentioned by Mr. Wintermeyer.

25 A. That was an application for in-  
26 corporation of a yacht club situated at Port  
27 Credit. The application was referred to the  
28 Provincial Police and the Port Credit police.  
29 The police report indicated that there had been  
30 liquor -- extensive drinking on the premises and



THESE ARE THE ONLY TWO CASES  
WHICH WERE BRINGED UP

THEY WERE BRINGED UP

IN OTHER WORDS, THEY WOULD COME

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AT THE OTHER --





1 the police were opposed to the granting of  
2 the application.

3 Q. These sailors were drinking, I  
4 take it?

5 A. I guess so.

6 Q. Quite unusual.

7 A. I am just reading the police report  
8 here:

9 " The Port Credit Police wrote  
10 "on June 9th, 1959, and pointed out:

11 " 'No fault can be found with

12 " the objects of this club as

13 " stated in your letter and no

14 " objection to the proposed

15 " incorporation can be held on

16 " those grounds.

17 " However, in view of the physical

18 " lay-out of the Clubhouse as a

19 " bar and the extensive drinking

20 " that is going on on these

21 " premises and investigation into

22 " the present and proposed plans

23 " for liquor consumption might be

24 " advisable before a charter is

25 " granted."

26 When I have my file before me, my lord,  
27 I think that there had been --

28 Then, the Provincial Police state:

29 " . . . while stating that they had

30 "no objection to the operation of the







1 "Yacht Club they advised that the  
2 "illegal sale of liquor was being  
3 "operated on the Yacht Club premises."

4 And I refused the application and a  
5 reference was made on one or two other occasions  
6 to me to grant it, and I refused it.

7 Q. Were there any convictions against  
8 that club or any person on those premises?

9 A. I think there had been a charge  
10 laid. I am not just too sure.

11 Q. Let us not deal in your recollection.  
12 We will go on to something else and maybe the  
13 file will turn up.

14 Now, in the course of administering the  
15 laws and regulations in respect to social  
16 clubs did you have in this period, from July 1,  
17 1950, some form of liaison with the Attorney-  
18 General's Department?

19 A. Between 1950 and --

20 Q. July 1, 1950, and the present  
21 date.

22 A. Oh, yes. We have had a continuous  
23 liaison with the Attorney-General's  
24 Department, both in meetings at which a number  
25 attended and in telephone conversations. That  
26 is, with the Attorney-General's Department,  
27 Main Office. I mean, with the Provincial Police,  
28 of course, we have been referring applications,  
29 which is part of the Attorney-General's  
30 Department, right along, to them; but, with the



...the ...  
...the ...  
...the ...

And I refused the application and a

reference was made on one or two other occasions

to me to grant it, and I refused it.

Q. Were there any convictions against

...

A. I think there had been a change

made. I am not just too sure.

Q. Let us not deal in your recollection.

we will go on to something else and maybe the

...

Now, in the course of administering the

laws and regulations in respect to social

clubs did you have in this period, from July 1,

1950, some form of liaison with the Attorney-

General's Department?

A. ...

Q. July 1, 1950, and the present

date.

A. Oh, yes. We have kept continuous

liaison with the Attorney-General's

Department, both in meetings at which a number

attended and in telephone conversations. That

is, with the Attorney-General's Department,

Main Office. I mean, with the Provincial Police,

of course, we have been referring applications,

which is part of the Attorney-General's

Department, right along, to them; but, with the





1 Main Office, the Deputy and the director of  
2 public prosecutions, we have had a continuous  
3 liaison with them in club matters.

4 Q. In that period from July 1, 1950,  
5 what have been your main problems so far as  
6 the social clubs are concerned, in the  
7 administration of the work in the Department?

8 THE COMMISSIONER: I do not just follow  
9 or understand the question.

10 MR. WILSON: Maybe I can put it another  
11 way:

12 Q. What were the nature of the  
13 discussions between your Department and the  
14 Attorney-General's Department?

15 A. Well, it was more in respect to  
16 the matter of cancellation of charters -- of  
17 club charters on police complaint, and the  
18 policy, and particular cases, rather than any  
19 matters of incorporation, except that in 1960  
20 we had a meeting with the Attorney-General's  
21 Department at which the -- Well, there again,  
22 that was cancellation. It was not really in  
23 respect to -- the incorporation has not presented  
24 any problems.

25 Q. Dealing with cancellations. How  
26 do they come about?

27 A. Well, the cancellations originate  
28 almost without exception through a complaint  
29 from the police, either the Provincial Police  
30 or the local police. They are the investigation --



their office, the Deputy and the Director of  
Public Prosecutions, we have had a conference  
with them in the morning.

What have been your main problems so far as  
the social clubs are concerned, in the  
administration of the work in the Department?  
THE COMMISSIONER: I do not just follow  
or understand the question.  
MR. WILSON: Maybe I can put it another

Q. What were the nature of the  
discussions between your Department and the  
Attorney-General's Department?  
A. Well, it was more in respect to  
the matter of cancellation of licenses of  
club centers on police complaint, and the  
matters of incorporation, except that in 1940  
we had a meeting with the Attorney-General's  
Department at which the -- Well, there again,  
that was cancellation. It was not really in  
respect to -- the incorporation has not presented  
any problems.

Q. Dealing with cancellations. How  
do they come about?  
A. Well, the cancellations originate  
almost without exception through a complaint  
from the police, either the Provincial Police  
or the local police. They are the investigation --





1 the investigative authorities. They bring  
2 the matter to our attention, they write us a  
3 report, and the matter is looked into. As  
4 the brief indicates, there are different grounds  
5 which have been developed for cancellation  
6 of club charters. Under the Act a charter  
7 might be cancelled in the discretion of the  
8 Lieutenant-Governor if there is sufficient  
9 cause. Over the years the general policy  
10 was to cancel if there was a criminal conviction.

11 THE COMMISSIONER: Q. Of whom?

12 A. It is not very often the club,  
13 my lord. It is usually a person convicted  
14 on the club premises of keeping a common gaming  
15 house or illegal sale of liquor. In very  
16 few cases, I think, has the club itself ever  
17 been convicted. At least, to my knowledge,  
18 that has come to our Department. If it  
19 ties in with the club - that is, the person or  
20 persons convicted are members of the club,  
21 or maybe stewards of the club, or officers  
22 of the club - and the offence took place on  
23 the club premises, then that ties it in with  
24 the club and it is a ground for conviction --  
25 for cancellation.

26 Q. That raises a question that I  
27 wanted to get some enlightenment on and perhaps  
28 you are the man to enlighten me. Take  
29 by way of illustration, and this is only by  
30 way of illustration, but I think perhaps it is



the matter to our attention, they write us a report, and the matter is looked into. It

of club character. Under the Act a character

might be cancelled in the discretion of the

Lieutenant-Governor if there is sufficient

cause. Over the years the general policy

was to cancel if there was a criminal conviction.

THE COMMISSIONER: Q. Of whom?

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persons convicted are members of the club,

or make stewards of the club, or officers

of the club - and the offence took place on

the club premises, then that ties it in with

the club and it is a ground for conviction --

for cancellation.

Q. That raises a question that I

wanted to get some enlightenment on and perhaps

you are the man to enlighten me. Take

in way of illustration, and this is only by

way of illustration, but I think persons it is





1 a good illustration: What we have been  
2 referring to from time to time as the Centre  
3 Road Vets Club. You know the one I mean?

4 A. Yes.

5 Q. Once incorporated that club becomes  
6 a legal entity?

7 A. Yes.

8 Q. It has been assumed by the  
9 Provincial Secretary, and yourself, and all  
10 those connected with the granting of the charter,  
11 that from the beginning it was intended to be  
12 a social club?

13 A. Yes.

14 Q. Now, if it should turn out the  
15 Department had been hoodwinked in the first  
16 instance, and it never had been the intention  
17 of the -- those applying for incorporation  
18 that the objects set out in the application  
19 should be pursued, but that some individual  
20 or individuals would carry on unlawful gaming  
21 activities there. In that set of circumstances  
22 has the Department ever approached the problem  
23 from this viewpoint: You were hoodwinked  
24 in the first instance. This never was and  
25 never was intended to be a social club. Upon  
26 some measure of proof of those facts, then,  
27 the condition upon which the application was  
28 granted in the first instance did not exist  
29 then and never existed and on that finding  
30 you cancel the charter?



Q. Now, you know the one I mean?

A. Yes.

Q. Once incorporated that club business

a legal entity?

A. Yes.

Q. It has been examined by the

Attorney General, and yourself, and all

the other members of the committee?

Q. That from the beginning it was intended to be

a social club?

A. Yes.

Q. Now, if it should turn out the

Department has not approved it, is it

illegal, and it never had been the intention

of the -- those applying for incorporation

that the objects set out in the application

should be pursued, but that some individual

or individuals would carry on private gaming

activities there. In that case of circumstances

has the Department ever approached the problem

Q. Now, if it should turn out the

in the first instance. This never was and

never was intended to be a social club. Upon

some measure of proof of those facts, then,

the Department would have no objection to

granted in the first instance did not exist

then and never existed and on that finding

Q. Now, if it should turn out the





1 A. Yes. You see --

2 Q. Excuse me a moment while I amplify  
3 it. Still taking that illustration. The  
4 bolts and bars I am pretty well satisfied  
5 were not put on the premises by the club as  
6 an entity but, in the case of the Centre Road  
7 Club, by McDermott and Feeley for example.  
8 The profits from the operation were not  
9 distributed among the members, those who were  
10 the mainsprings out there were garnering  
11 all the profits from these unlawful operations  
12 and it was not the operation of the club as  
13 an entity, it was the operation of individuals.  
14 If that is so, then, and you were brought  
15 positive proof that this club never was and  
16 at any particular time was not in essence  
17 a club whose main purpose was in any sense  
18 social --

19 A. Well, I have --

20 Q. Did you ever approach it from  
21 that standpoint?

22 A. Yes, I have, my lord, exactly  
23 from that standpoint, because a club, it is  
24 a non-profit organization, it is non-profit  
25 for the members. Only the members. It is  
26 not a proprietary club for any person to make  
27 a business of it. I was often approached  
28 from that angle -- or, thought that it would be  
29 a grounds. Actually, any complaints we have  
30 had we have found other grounds to cancel, but

C/3



Q. Now, you see --

A. There are a number of things I might

10. Still, coming that illustration. The  
boles and bars I am pretty well satisfied  
were not put on the premises by the club as  
an entity but, in the case of the Casino Road  
club, by McDermott and Keely for example.  
The profits from the operation were not  
distributed to the club, but were paid to  
the individuals who were in the operation.  
All the profits from these various operations  
and it was not the operation of the club as  
an entity, it was the operation of individuals.  
If that is so, then, and you were brought  
positive proof that this club never was and  
at any particular time was not in existence  
a club whose main purpose was in any sense

social --

A. Well, I have --

Q. Did you ever approach it from

that standpoint?

A. Yes, I have, my love, exactly  
from that standpoint, because a club, it is  
a non-profit organization, it is non-profit  
for the members. Only the members. It is  
not a proprietary club for any person to make  
a business of it. I was often approached  
from that angle -- or, thought that it would be  
a grounds. Actually, my complaints we have  
and we have found other grounds to counsel, but





1 it certainly would, to my mind, be a ground  
2 for cancellation. It is a charter granted  
3 on the basis of non-profit to the members and  
4 if one or two individuals are making a profit  
5 out of it, then they are not using the charter  
6 for the purpose for which it was granted. It  
7 was granted as a non-profit, non-gain  
8 organization, and it is being used as a proprietary  
9 business. I have often thought that would  
10 be a grounds for cancellation of the charter.

11 It sometimes will come up --

12 Q. My question approaches it from  
13 a different point of view, from the point of  
14 view from ~~in~~ which the Department up to the  
15 moment has been approaching it. You have been  
16 saying, in substance, if the club puts bolts  
17 and bars, if the club does this and that, then  
18 that is the reason for cancellation of the  
19 charter.

20 A. Well, my lord, suppose the bolts  
21 and bars, speaking of the Centre Road I mean,  
22 have been done with the approval of the club.

23 Q. The club does not know anything  
24 about it. The club is a legal entity; it  
25 is in sort of a vacuum.

26 A. But, the club only acts as a  
27 corporation through its agents.

28 Q. The club does not act.

29 A. It acts through its agents, and  
30 its agents approve of them and it is responsible



it certainly would, to my mind, be a ground

on the basis of non-profit to the members and

if one or two individuals are making a profit

one of it, then they are not making the other

for the purpose for which it was granted. It

was granted as a non-profit, and that

organization, and it is being used as a proprietary

business. I have often heard that

be a ground for cancellation of the charter.

It sometimes will come up --

Q. My question approaches it from

a different point of view, from the point of

view from in which the Department up to the

moment has been approaching it. You have been

saying, in substance, if the club does

and does, if the club does this and that, that

that is the reason for cancellation of the

charter.

A. Well, my lord, suppose the club

and does, speaking of the Centre Road I mean,

have been done with the approval of the club.

Q. The club does not know anything

about it. The club is a legal entity; it

is in sort of a vacuum.

A. But, the club only acts as a

proprietor, doesn't it?

Q. The club does not act.

A. It acts through its agents, and

its agents approve of them and its responsible





1 for the conduct of its agents.

C/4 2 Q. I am not so sure you can say in  
3 that particular illustration anyone was acting  
4 as the agent of the club; it was a bunch of  
5 individuals acting in the club as an entity.  
6 The club was sort of a shield.

7 A. Yes. Well, my lord, any corpora-  
8 tion is an artificial person but it cannot do  
9 any act itself, it only acts through people,  
10 its stewards, its agents, its officers.

11 Q. I would be the most surprised  
12 man in the world if it turned out there would  
13 be any by-laws.

14 A. I do not mean it is authorized.  
15 The mere fact they are doing it and they have  
16 connection with the club would be sufficient.  
17 The mere fact, the Centre Road, the bars and  
18 bolts on the door, and the other things, were  
19 done with the knowledge, if not by the people  
20 who were acting and responsible, the stewards  
21 for the club would certainly have knowledge  
22 of it. That to our basis, and the basis of  
23 cancellation, there was sufficient cause --  
24 It was not that the corporation specifically  
25 authorized them by formal resolution --

26 Q. But you put it on the footing  
27 that this was not a bona fide social club.

28 A. Yes.

29 Q. And cancel the club on that  
30 ground?



for the benefit of the members.

Q. I am not so sure you can say in

as the agent of the club; it was a bunch of  
individuals acting in the club as an entity.  
The club was sort of a shell.

Q. We have said, in fact, that the  
club is an artificial person but it cannot do  
anything itself, so only the members can  
do anything. Is that right?

Q. I would be the most surprised  
man in the world if it turned out there would  
be no action.

A. I do not mean it is authorized.  
The club has no power to act on its own.

connection with the club would be sufficient.  
The mere fact, the German food, the bars and  
bottle on the door, and the other things, were  
done with the knowledge, if not by the people  
who were acting and responsible, the standards  
for the club would certainly have knowledge  
of it. That to our basis, and the basis of  
authorization, there was sufficient cause --  
It was not that the corporation specifically  
authorized them by formal resolution --

Q. But you put it on the footing

that this was not a bona fide social club.

A. Yes.

Q. And cancel the club on that





1 A. No, the charter was cancelled  
2 there --

3 Q. No. I say if you approach it  
4 from the viewpoint I suggest, you approach  
5 it from the ground that this is not a bona fide  
6 social club.

7 A. We have succeeded in the  
8 cancellation of charters but I have always  
9 thought the words bona fide in the Criminal  
10 Code -- For example, the production of the  
11 books, that if a person would pay so much  
12 money for a piece of paper, the charter, would  
13 they perhaps quit then? There has to be  
14 transfer of membership, or people resign. And  
15 that is what I found when I tried to get the  
16 books, first, to see if there had been --  
17 In other words, it was not to my mind, that  
18 would not be a bona fide club because it was  
19 not just going ahead and purchasing a piece  
20 of paper. Although what -- I mean, a member --  
21 Say a club moves from Collingwood to Toronto.  
22 The members would resign. People could only  
23 become members by resolution of the directors.  
24 To my mind that never happened in these  
25 cases. I was always met, when I got the  
26 books, in most cases, "Well, the books have  
27 been destroyed. We cannot locate them or  
28 find them." We adopted the procedure: The  
29 club has been dormant for many years and the  
30 forfeiture of corporate powers. And the



A. No, the charter was cancelled

there --

Q. No. I say if you proposed it

from the ground that this is not a bona fide

business, would it be a bona fide

A. We have succeeded in the

organization of a company for a bona fide

business and we have been successful in the

past few years in the organization of the

company, but it is a bona fide business

money for a piece of paper, the charter, would

they perhaps quit then? There has to be

transfer of membership, or people resign, and

that is what I found when I tried to get the

company, but it is a bona fide business

In other words, it was not so my mind, that

would not be a bona fide club because it was

not just going ahead and purchasing a piece

of paper. Although what -- I mean, a member --

say a club member from Collingwood to Toronto,

the members would resign, people could only

become members by resolution of the directors,

To my mind that never happened in time

cases. I was always met, when I got the

books, in most cases, "well, the books have

been destroyed. We cannot locate them or

find them." We adopted the procedure: The

club has been dormant for many years and the

loss of the corporate powers. And the





1 Provincial Police made investigation in  
2 different parts of the Province to interview  
3 the original incorporators and obtain statements  
4 from them. They found these charters had  
5 not been used for twenty years and the corporate  
6 powers were forfeited. In almost every case  
7 where I would ask for reports the story was,  
8 "Well, they were lost, burned or stolen."

9 I thought to establish there that far from  
10 a bona fide that this was not a bona fide club.  
11 I have heard a lot of cases, too. They  
12 went and bought a piece of paper which did  
13 not give them any --

14 Q. In a lot of cases they got a  
15 charter on the representation it was to be  
16 a social club when, in fact, they never had  
17 the intention of --

18 A. Yes. As a matter of fact,  
19 there have been cases, one or two cases we  
20 are looking into now where a person has a  
21 proprietary business. If he wants a proprietary  
22 business he should incorporate a general  
23 stock company. A restaurant, or so on, a  
24 place of entertainment, a proprietary business,  
25 should have a licence, and so on; but sometimes  
26 they will attempt to incorporate a club.  
27 Maybe one man, one individual; and it is  
28 not a group of people coming together spontaneously  
29 for it. And, then -- If anybody comes  
30 off the street and can pay a dollar, I doubt



Provincial Police were investigated in

different parts of the Province to interview

the original investigators and obtain statements

from them. The first was completed

and sent to the Provincial Police and the

others were forwarded. In almost every case

where I could get the original investigator

and the original investigator, I obtained

a statement or explanation from the

person that this was not a bona fide club.

I have heard a lot of cases, too. They

are not really a bona fide club, but

they are not

either. It is not a bona fide club

because the regulations are not

a social club when, in fact, they never had

the right

A. Yes. As a matter of fact,

there have been cases, one or two cases we

are looking into now where a person has a

proprietary business. If he wants a proprietary

business he should investigate a person

stock company. A restaurant, or so on, a

place of entertainment, a proprietary business,

should have a license, and so on; but sometimes

they will attempt to incorporate a club.

Maybe one man, one individual; and it is

not a group of people coming together spontaneously

for it. And, then -- If anybody comes

off the street and can pay a dollar, I don't





1 if that is a bona fide club. I do not know.

2 It has never been passed on. I mean, that  
3 gets pretty close to a proprietary business  
4 which should be a non-share incorporation.

5 That kind of business --

6 Q. Would it make for certainty and  
7 strengthen the hand of the Provincial Secretary  
8 if you had in the statute a precise definition  
9 of what is meant by "social club"?

10 A. Yes, it would, my lord, if we  
11 could arrive at a definition. It is difficult --  
12 Yes, it would, if we could -- to arrive at --  
13 If it could be defined. As we say, we have  
14 given it a very broad interpretation to meet  
15 possible circumstances; but, I think it would  
16 help if it was -- certainly if there was some  
17 definition of it, just as to what -- You mean,  
18 we would take -- It is difficult. For  
19 instance, in the 18 applications granted  
20 without police referral, in looking through  
21 those now some are undoubtedly social clubs  
22 but a great many of them, and I wouldn't want  
23 to guess, maybe half, they have something social  
24 in their objects, too, like the curling club.  
25 There is no mention of sociability in the  
26 objections at all. That is included because  
27 we have inferred it is. Or, a cottage owners'  
28 association which is primarily for the purpose  
29 -- a Ratepayers' Association. The local  
30 cottage owners, some sort of a united effort in



it that is a bona fide club, I do not know.

It is not a bona fide club, it is a bona fide club.

It is not a bona fide club, it is a bona fide club.

which should be a non-charge association.

That kind of business --

Q. Would it make any difference and

if you had in the estate a precise definition

if you had in the estate a precise definition

A. Yes, it would, my lord, it would.

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Yes, it would, it would -- to arrive at --

It is difficult to arrive at. As we say, we have

given it a very broad interpretation to meet

the needs of the situation, but I think it would

be very difficult to arrive at a precise

definition of it, just as to what -- You mean,

we would take -- It is difficult. You

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without police reform, in looking through

there now some are indirectly social clubs

but a great many others, and I wouldn't want

to guess, maybe half, they have something social

in their objects, too, like the cutting club.

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objections at all. That is included because

we have inferred it is. Or, a cottage owner,

association which is primarily for the purpose

-- a Harepyers' association. The local

cottage owners, some sort of a united effort in





1 respect to the municipality. Or, a union  
2 building.

3 Q. You might have a community group?

4 A. Yes.

5 Q. That would not be coming together  
6 for any social purpose?

7 A. That is true.

8 Q. Entirely business.

9 A. Well, at the end of the objects  
10 they may throw in the word "social", not that  
11 they ever want to use it. I think maybe the  
12 cottage owners do not. But, those are reported  
13 in the 18 we did not refer. And, then, there  
14 are union building corporations in which I  
15 think the prime purpose is to hold a building  
16 for certain purposes, but in the fourth or  
17 fifth object is the word "social" and we have  
18 recorded that as social.

19 Q. It is pretty elastic?

20 A. It would be, my lord.

21 There is the case of a club where it  
22 wishes to conduct a yacht club, and we include  
23 that as social, and there may be a certain  
24 amount of social activity.

25 It is not just where the word social  
26 is used or the word recreational is used.  
27 Recreational is perhaps wider than social, it  
28 could mean athletic, nothing to do with what  
29 is ordinarily meant by social; it could mean  
30 social.



respect to the municipality, or, a union

building.

Q. The right that a building has

A. Yes.

Q. That would not be coming together

for any social purpose

A. That is true.

Q. Initially, however,

A. Well, at the end of the object

they may know in the word "social", not that

they ever want to use it. I think maybe the

cottage owners do not. But, those are reported

in the 18 we did not refer. And, then, there

are union building corporations in which I

think the prime purpose is to hold a building

for the use of the community, and we have

little object in the word "social" and we have

recorded that as social.

Q. It is pretty elastic?

A. It would be, my lord.

There is the case of a club where it

wishes to conduct a social club, and we include

that as social, and there may be a certain

amount of social activity.

It is not just where the word social

is used on the word recreational is used.

Recreational is perhaps wider than social, it

could mean athletic, nothing to do with what

is ordinarily meant by social; it could mean





1 It would help if we could have a definition  
2 of what is a social club. We have tried to  
3 give it the widest interpretation that there  
4 is to meet -- to be sure we cover everything.

5 Q. You and I know as a result of  
6 this mass of evidence that there is action,  
7 gaming operations, and they were not carried  
8 on by a club as an entity but by certain  
9 individuals who garnered all the money. The  
10 club as an entity did not carry out unlawful  
11 activities; certain individuals.

12 A. Well, I do not think -- There  
13 was no place in the club records, my lord,  
14 one would find, my lord, a provision or a  
15 resolution that a dice game could be operated  
16 and a rake-off of so much would be taken. The  
17 club would not do that; but, the fact that  
18 the club permitted that sort of thing, and  
19 many existing solely for that purpose, indeed,  
20 I think -- I submit it ties the club right  
21 into it, my lord. There have been cases --  
22 I remember having a hearing, it is not covered  
23 by this report -- not in the period under  
24 review, a hearing I had back in the 1940's,  
25 where there had been a conviction on the club  
26 premises for illegal registering of bets.  
27 When I heard the evidence I did not think  
28 there was sufficient to tie the club into this  
29 person's conviction. He happened to be there  
30 at the time and he was arrested on the club



It would help if we could have a definition

of what is a social club. We have tried to

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this mass of evidence that there is action,

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by this report -- not in the period under

review, a hearing I had back in the 1940's,

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grounds for illegal registering of bets.

When I heard the evidence I did not think

there was sufficient to tie the club into this

person's conviction. He happened to be there

at the time and he was arrested on the club





1 premises, but I did not think, after weighing  
2 the evidence, that it was sufficient. But,  
3 in most cases it ties in because there are --  
4 the people who are convicted, and I think  
5 there is perhaps one case where the club itself  
6 pled guilty to keeping a common gaming house;  
7 but in other cases the individuals, the members,  
8 the stewards of the club, and so on --

9 Q. I have raised a question now  
10 and I would be quite happy if you were to give  
11 it some serious thought. It might be helpful  
12 to me later if you conveyed to me your views.  
13 I would be happy if you got in touch with the  
14 Commission and let me know what your views  
15 are.

16 A. Yes. Thank you.

17 MR. WILSON: Q. Then, Section 101 of  
18 the Corporations Act, where it reads:

19 "A corporation may be  
20 "incorporated to which Part V  
21 "or Part VI applies or that has  
22 "objects that are of a patriotic,  
23 "religious, philanthropic, charitable,  
24 "educational, agricultural, scientific,  
25 "artistic, social, professional,  
26 "fraternal, sporting or athletic  
27 "nature or that are of any other  
28 "useful nature."

29 Now, do I understand there is no  
30 definition in the Act of any of those types --



promises, but I did not think, after weighing

the situation, that it was wise to do so.

In most cases it lies in between there are --

the people who are convicted, and I think

there is perhaps one case where the club itself

pled guilty to keeping a common gaming house;

but in other cases the individuals, the members,

the stewards of the club, and so on --

G. I have raised a question now

and I would be quite happy if you were to give

it some serious thought. It might be helpful

to me later if you conveyed to me your views.

I would be happy if you got in touch with the

Committee on the subject of the law.

are.

A. Yes. Thank you.

MR. WILSON: G. Then, Section 101 of

the Corporation Act, where it reads:

"A corporation may be

"incorporated to which Part V

"or Part VI applies or that has

"objects that are of a patriotic,

"religious, educational, scientific,

"constitutional, agricultural, business,

"artistic, social, professional,

"charitable, sporting or scientific

"nature or that are of any other

Now, do I understand there is no

definition in the Act of any of those types --





1 A. No.

2 Q. -- of corporation?

3 A. No, there are not, Mr. Wilson.

4 Q. Would it be of any assistance in  
5 the administration of the law in connection  
6 with the operations of social clubs if, in the  
7 Criminal Code, Section 168, there was some --  
8 in dealing with the exception, there was some  
9 specific definition of the word "social"?

10 A. Yes.

11 I think, my lord, that might be perhaps  
12 the best place to put it, even more -- I will  
13 think this over, my lord. But that might be --

14 THE COMMISSIONER: I am not suggesting  
15 to the Parliament of Canada that they define  
16 what is meant by the word "social" in the  
17 Criminal Code; but I could suggest to the  
18 Government of the Province.

19 MR. WILSON: Yes, but maybe the suggestion  
20 to the Province, if it falls within the terms  
21 of reference, may not be a solution. The  
22 solution may lie in the Federal field. That  
23 is my only reason for raising the point, along  
24 with your suggestion, Mr. Commissioner, about  
25 a definition of "social club" in the Provincial  
26 Act.

27 Q. Now, you were saying that when  
28 you got complaints - and I take it an example  
29 of the complaints you are talking about would  
30 be Appendix K, which is the list of complaints



A. No.

— at ...

A. ...

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the administration of the law in connection

with the operations of social clubs in the

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specific definition of the word "social"?

A. ...

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to the Parliament of Canada that they define

what is meant by the word "social" in the

Original Code; but I could suggest to the

Government of the Province.

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to the Province, it is falls within the terms

of reference, may not be a solution. The

solution may lie in the Federal field. That

is my only reason for raising the point, along

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a definition of "social club" in the Provincial

... ..

Q. Now, you were saying that when

you got complaints -- and I take it an example

of the complaints you are talking about would

be Appendix K, which is the list of complaints





1 from the Metropolitan Toronto Police.

2 A. Well, yes, that is one.

3 Q. I am using that to illustrate.

4 A. Yes.

5 Q. You, then, say you got the  
6 complaints, you took some action to investigate.  
7 Have you any investigation branch?

8 A. No.

9 Q. What do you mean by that?

10 A. Well, I -- Usually when I receive  
11 a report from the police I ask a solicitor in  
12 the Department -- I look it over myself or  
13 if a file is to be analyzed, I analyze the  
14 file or ask a solicitor in the Department to  
15 analyze the report and the file and report  
16 back to me upon it. I mean, it depends upon  
17 the grounds. If there is -- If the  
18 complaint is by reason of a conviction on  
19 the club premises, then I will ask the police,  
20 if one is not submitted, for a certified copy  
21 of the conviction.

22 Q. In the law, as I understand it,  
23 there is no obligation on your Department to  
24 police these clubs, once a charter is granted?

25 A. Well, the law does not in so many  
26 words give us the obligation; we have no powers  
27 of policing, we have no investigative powers,  
28 except we have the responsibility in having  
29 granted these charters and when there is a  
30 complaint and sufficient reason for in getting



Very respectfully, Your obedient servant,

A. Well, that is all.

Q. I am using that to illustrate.

A. Yes.

Q. You, then, say you got the

complaint, you took some action to investigate.

That is the investigation process.

A. Yes.

Q. What do you mean by that?

A. Well, I -- Usually when I receive

a report from the police I ask a solicitor in

the department -- I ask him to look into it

if a file is to be analyzed, I analyze the

file or ask a solicitor in the department to

analyze the report and the file and report

back to me. If I have a report, I have a

the grounds. If there is -- If the

complaint is by reason of a conviction on

the case grounds, then I will ask the police,

if one is not submitted, for a certified copy

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there is no obligation on your department to

police these cases, once a charter is granted?

A. Well, the law does not in so many

words give us the obligation; we have no power

of police, we have no investigative power,

except we have the responsibility in having

granted these charters and when there is a

complaint and sufficient reason for in getting





1 rid of them.

2 Q. Once they are granted, like any  
3 other corporation, they are subject to the laws  
4 of the land, whether those be Federal or  
5 Provincial?

6 A. Yes.

7 Q. Or even by-laws of a municipality?

8 A. Yes.

9 Q. When you get a complaint and try  
10 to take action would this be the practice:  
11 You first send out a notice to the applicant  
12 of an intent on your part to cancel the  
13 letters patent?

14 A. Well, yes. Just before that,  
15 though, Mr. Wilson -- It depends on the nature  
16 of the complaint. If it is only a conviction  
17 then I would take it up with my Minister, as  
18 to whether the charter -- bring it to his  
19 attention in any case before I send out the  
20 letter to the club advising the charter will  
21 be cancelled.

22 Q. You are speaking of a conviction?

23 A. Yes.

24 Q. For some illegal action at the  
25 premises?

26 A. Suppose it was a case of alleged  
27 gambling, illegal gambling, or a charter having  
28 been bought. We investigate it. We may  
29 have to ask the Provincial Police to go to  
30 the locality where the charter came from to



and of them.

Q. Once they are granted, like any

other corporation, they are subject to the laws

of the land, whether those be Federal or

State laws.

A. Yes.

Q. Or even by-laws of a municipality?

A. Yes.

Q. When you get a complaint and try

to take action would this be the practice:

You first send out a notice to the applicant

of an intent on your part to cancel the

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A. Well, yes. Just before that,

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to whether the charter -- trying it to him

attention in any case before I send out the

letter to the effect advising the charter will

be cancelled.

Q. You are speaking of a conviction?

A. Yes.

Q. For some illegal action at the

premises?

A. Suppose it was a case of alleged

violation of the laws of the State or of the

been done. We investigate it. We may

find out that the premises were used for

the locality where the charter came from to





1 set up the grounds for forfeiture of powers,  
2 or we may ask for the books. If it is a  
3 cut and dried conviction, then --

4 Q. I appreciate that.

5 A. But there may be cases where a  
6 club has charged 10 cents an hour per player  
7 in contravention of the charter provisions.  
8 We ask for a transcript of the evidence -  
9 perhaps it was admitted in court and the police  
10 advised --

11  
12  
13 (Page 9673 follows)



set up the grounds for forfeiture of power,

or we may ask for the books. If it is a

and the other books, I am not sure.

I am not sure.

A. But there may be cases where a

club has changed 10 cents an hour per player

in connection of the charter provisions.

We ask for a transcript of the evidence -

perhaps it was admitted in court and the police

should be

(Page 9013 follows)





C/6

1 Q. I take it you have complete co-  
2 operation on such investigations?

3 A. Yes, I have had complete co-  
4 operation. I can only speak the highest in  
5 the co-operation of the police that they  
6 have given.

7 Q. Once you have decided there  
8 are grounds for cancellation you send out a  
9 letter saying unless they seek a hearing  
10 the cancellation will take place, say, two  
11 weeks in the future?

12 A. Yes. I speak to the Minister  
13 and, then, send the letter to the club  
14 saying that it has been brought to our  
15 attention that such and such has happened  
16 and we are unable to overlook it and that  
17 unless cause is shown to the contrary, is  
18 the wording, one week, or I think it is  
19 ten days, from to-day an order will be  
20 made under Section 326(1) of The Corporations  
21 Act cancelling the letters patent for  
22 cause.

23 Q. When they seek a hearing I  
24 understand you preside over the hearing?

25 A. Yes.

26 Q. And the evidence is then taken  
27 under oath?

28 A. Yes. I send the letter out  
29 and that gives them a week or ten days.  
30 They advise me then if they wish a hearing



Q. I want to know how complete the

A. Yes, I have had complete

operation. I can only speak the language in

the co-operation of the police that they

are grounds for cancellation you need and a

the cancellation will take place, say, two

weeks in the future?

A. Yes. I agree to the Minister

and, then, send the letter to the ship

saying that it has been brought to our

attention that such and such has happened

and we are unable to overlook it and that

unless cause is shown to the contrary, it

the working, one week, or I think it is

not later, from today on order will be

made under Section 320(1) of the Corporation

Act cancelling the license present for

cause.

Q. When they make a hearing I

understand you practice over the hearing?

A. Yes.

Q. And the evidence in their favor

A. Yes. I send the letter out

and what takes them a week or two days.

They advise me then if they wish a hearing.





1 and I set the date for a hearing and I advise the  
2 solicitor for the club who has been in touch  
3 with us, and also the police, and the  
4 evidence is taken -- I preside at the  
5 hearing and the evidence is taken under  
6 oath.

7 Q. Do you, as Deputy Minister, make  
8 the decision based on the hearing, or is  
9 that a matter for the Minister?

10 A. Well, no. It is a matter for  
11 the Minister to make the decision. I mean,  
12 the evidence is taken down in shorthand by  
13 a Court Reporter and when I have a transcript  
14 of evidence then I write the Minister a  
15 report and attach the transcript of the  
16 evidence, together with the file, and then  
17 he decides whether the charter should be  
18 cancelled.

19 Q. Now, in the brief there is a  
20 reference to the problem of federal charters  
21 at page 19 - that is, federal charters for  
22 social clubs operating in the Province of  
23 Ontario. Briefly, what is your problem in  
24 connection with the administration of the  
25 law and regulations in that case?

26 A. That is, federal companies?

27 Q. Federally incorporated social  
28 clubs?

29 A. Well, under the constitution and  
30 the decision of the Privy Council in the



and I see the date for a hearing and I advise the  
 with us, and also the police, and the  
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 he decides whether the charter should be  
 continued.

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 reference to the provision of federal charters  
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 social clubs operating in the Province of  
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 connection with the administration of the  
 law and regulations in that regard?

A. That is, federal charters  
 A. Well, under the constitution and  
 the decision of the Privy Council in the





1 Great West Saddlery case, any social club can  
2 carry on business in Ontario without any  
3 licensing requirements from the Province.  
4 That applies to share capital and all, and  
5 applies to social clubs. That is, we have no  
6 authority constitutionally to license or to --  
7 A Dominion company or corporation is subject  
8 to the laws of general application. We  
9 cannot license a Dominion company or a club  
10 to carry on. They are subject to requiring  
11 a licence in mortmain. A Dominion company  
12 and, therefore, a Dominion club, can --  
13 incorporated social club can come into  
14 Ontario and carry on business as a right  
15 and our Department, or the Province, has no  
16 control over it. There is no department  
17 of government has. They are subject to the  
18 general law and the Criminal Code, and so  
19 on, but there is no one --

20 Q. Now, have you made any representa-  
21 tions to the federal authorities in regard to  
22 the problem of these federally chartered  
23 social clubs?

24 A. Yes, I did over the past number  
25 of years.

26 I see, reading the file, back in about  
27 1954 I made representations in respect to the  
28 Alpha Club, which was operating at the Centre  
29 Road, the same premises. But, also, in  
30 respect to the policy generally, I have

and, therefore, a Dominion one, can --

and our Department, on the Province, has no

control over it. There is no department

of Government here. They are subject to the

General law and the Criminal Code, and so

on, but there is no one --

10. The following information was obtained from the records of the Bureau of the Census, Washington, D. C., for the years 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627





1 spoken to officials in the Secretary of State's  
2 Department -- over -- oh, back some time ago  
3 and over a period, as to the danger that I  
4 saw of Dominion clubs coming into Ontario  
5 and carrying on when they could not get a  
6 charter from the Province. I have spoken  
7 with Mr. O'Meara, the Assistant Undersecretary  
8 of State, about it, and also after his  
9 retirement his successor, Mr. Cattanach.  
10 I suggested if they could adopt some policy  
11 similar to ours, a screening policy - I was  
12 not recommending it to them, I was suggesting  
13 it to see what they thought. We have had  
14 certain instances of Dominion incorporated  
15 clubs - one being the Alpha Club - and --  
16 Well, the three units of the Army, Navy and  
17 Veterans.

18 Q. The Alpha, or Centre Road, more  
19 properly known as that, and Roseland and  
20 Frontier?

21 A. That is right. Two of them  
22 were units of the Army, Navy and Air Force  
23 Veterans, and the other was the Merchant  
24 Navy, but they were Dominion charters and  
25 there was nothing the Province could do to  
26 cancel the charters.

27 Q. Have you been successful --

28 THE COMMISSIONER: Are you going to be  
29 some time with this witness?

30 MR. WILSON: I will be a few minutes, I

Spoken to officials in the Ministry of State's

Department -- over -- on, back home time ago

and over a period, as to the danger that I

clearer from the foregoing, I have chosen

I suggested it they could adopt some policy

any I - follow increases a , some of volume

not recommending it to them, I was not at all.

certain instances of Doulos incorporated

-- Bm - 0010 891A sat noted one - ad 10

Well, the three units of the Army, Navy and

[illegible]

DATE TO GET .50 LITRE 1000 .50

RECEIVED THE OTHER TWO RECENTLY

There was nothing the Provost could do.

-- INFORMATION BOOK NO. 9780

00 00 000000 000 000 0000000000 000

MR. WILSON: I will be a few minutes, I





1 hope not too long. Maybe fifteen minutes to  
2 half an hour.

3 THE COMMISSIONER: Well, it is 1.00 o'clock.

4  
5 ---Whereupon the hearing adjourned at 1.00 o'clock  
6 p.m. until 2.15 o'clock p.m.

7  
8  
9  
10  
11 (Page 9680 follows)



THE COMMISSIONER OF THE BUREAU OF LAND MANAGEMENT

WASHINGTON, D. C.

TO: THE COMMISSIONER, BUREAU OF LAND MANAGEMENT

FROM: THE COMMISSIONER, BUREAU OF LAND MANAGEMENT

(See page 10)





AA/1/FMcG 1

---On resuming at 2.20 o'clock p.m.

2

---Witness resumes the stand.

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MR. WILSON: Q. There is one other problem that your Department has to deal with and that is the extra-provincial corporations who operate social clubs in the Province of Ontario. What control have you over such corporations?

A. Well, extra-provincial corporations, Mr. Wilson, with the exception of Dominion corporations are required to be licensed under Part IX of the Corporations Act to carry on business in Ontario. There are in Part IX certain exceptions of extra-provincial corporations which are not required to obtain an extra-provincial licence in order to carry on their undertaking in Ontario. One of these exceptions are corporations not having gain for their object. That is, a corporation incorporated in Manitoba that was to manufacture automobiles having gain for its object, would require a licence, an extra-provincial licence, in Ontario, but at the same time a social club incorporated in Manitoba not having gain for one of its objects would not require it.

THE COMMISSIONER: Q. Well, there haven't been any such here.

MR. WILSON: Q. Well, have they been



---on receiving at 2.30 o'clock p.m.

---on receiving at 2.30 o'clock p.m.

MR. WILSON: I have to say that

problem that your Department has to deal with

and that is the extra-provincial corporations

who operate social clubs in the Province of

Ontario. What control have you over such

corporations

A. Well, extra-provincial corporations,

Mr. Wilson, with the exception of Manitoba

corporations are required to be licensed

under Part IX of the Corporations Act to carry

on business in Ontario. There are in Part IX

certain exceptions of extra-provincial

corporations which are not required to obtain

an extra-provincial license in order to carry

on their undertaking in Ontario. One of

these exceptions are corporations not having

gain for their object. That is, a corporation

incorporated in Manitoba that was to manufacture

automobiles having gain for its object, would

require a license, an extra-provincial

license, in Ontario, but at the same time a

social club incorporated in Manitoba not

having gain for one of its objects would not

require it.

MR. WILSON: I will say

haven't been any such here.

MR. WILSON: G. Kelly, have they been





1 any problem to you so far?

2 A. No, they haven't, Mr. Wilson.  
3 The only problem we have had with extra-  
4 provincial corporations are Dominion social  
5 clubs which, as I explained before lunch, we  
6 haven't control over doing business in Ontario.  
7 But we have never had any problem with social  
8 clubs incorporated in other provinces doing  
9 business. If there has been, it has never  
10 been brought to our attention.

11 I did mention it to the Dominion-Provincial  
12 Conference on Uniformity of Company Legislation.  
13 I wanted just to see what the other provinces  
14 did in respect to screening of social clubs.

15 THE COMMISSIONER: Well, do we need  
16 to take any time for that?

17 MR. WILSON: No. It was mentioned in  
18 the brief, it was a problem, but obviously it  
19 is not.

20 THE WITNESS: You mentioned before  
21 lunch, Mr. Wilson, whether in respect to  
22 Dominion corporations representations were made  
23 to the Department of the Secretary of State.  
24 The Dominion I do not believe screen the  
25 applications but I do remember on one application  
26 the Under Secretary of State telephoned me  
27 in respect to a club, an application for  
28 incorporation of a club, which had been filed  
29 with him to operate in Ontario and asked me  
30 what I thought of it, and I inquired as to the

[illegible]





1 surrounding circumstances, and I didn't think  
2 too well of it. As far as I know, the  
3 application was not granted.

4 MR. WILSON: Q. As far as you know,  
5 that was an isolated instance, not a practice  
6 they have?

7 A. Yes.

8 Q. This morning you mentioned some  
9 correspondence you had with Chief Mackey. I  
10 think I asked you to produce it.

11 A. Yes. I have it here, Mr. Wilson.

12 Q. I think you have given us the  
13 substance of it. I would just like to file it.

14 A. Yes. (Produced)

15 MR. WILSON: Mr. Commissioner, it consists  
16 of a copy of a letter from the Deputy Provincial  
17 Secretary to Chief Mackey dated December 28th,  
18 1961. I'm sorry, I think I am starting with  
19 the wrong end of this. I should have mentioned  
20 first there is a letter of December 19, 1961,  
21 from Chief Mackey to the Deputy Provincial  
22 Secretary.

23 MR. ESTEY: Is that the same one that  
24 is on page 1 in one of the appendices?

25 MR. WILSON: I think it is. No, I see  
26 it is not that one.

27 Are you talking about Appendix A?

28 MR. ESTEY: Page 1, K.

29 MR. WILSON: The copy of the letter I  
30 referred to first is in K. The letter of



surrounding circumstances, and I didn't think too well of it. As far as I know, the

MR. WILSON: Q. As far as you know,

that was an isolated instance, not a practice they have?

A. Yes.

Q. This morning you mentioned some

correspondence you had with Chief Mackey. I

think I asked you to produce it.

A. Yes, I was in New York, Illinois.

Q. I think you have given us the

substance of it. I would just like to take it.

A. Yes, (Producing)

MR. WILSON: Q. (Producing)

of a copy of a letter from the Deputy Secretary

Secretary to Chief Mackey dated December 22nd,

1931. I'm sorry, I think I am confused with

the wrong end of this. I should have mentioned

first there is a letter of December 19, 1931,

from Chief Mackey to the Deputy Secretary.

Secretary.

MR. WILSON: Is that the same one that

is on page 1 in one of the appendices?

MR. WILSON: I think so. No, I see

it is not that one.

Are you looking about Appendix 1?

MR. WILSON: Page 1, K.

MR. WILSON: The copy of the letter I

referred to first is in K. The letter of





1 December 19th, 1961, is not in K. The letter  
2 of December 19th ---

3 THE COMMISSIONER: Yes, it is.

4 THE WITNESS: It is underneath, Mr. Wilson.

5 MR. WILSON: It is actually the fourth  
6 sheet. Those two letters are in Appendix K  
7 and the enclosure in the letter of December  
8 19th, that you have just produced, is reproduced  
9 as part of Appendix K.

10 Q. Is that right, Mr. Cudney?

11 A. Yes.

12 MR. WILSON: Then I don't know that we  
13 need those original documents.

14 THE COMMISSIONER: No.

15 MR. WILSON: Q. I don't know that this  
16 letter of March 2nd, 1961, that you have handed  
17 to me from the Deputy Chief of Police to  
18 yourself is necessary either.

19 A. That was just in further reference  
20 to Chief Mackey's letter, just clearing up  
21 one or two clubs that he mentioned.

22 Q. Well, is it important as far  
23 as clearing this up?

24 A. No, I don't think so.

25 Q. Then we won't bother about it.  
26 There is one other matter outstanding from this  
27 morning and that was the Port Credit Yacht  
28 Club. You were going to get your file on that.

29 A. Yes; I have the file now, Mr.  
30 Wilson. An application was received for



December 1931, 1931, is not in it. The letter

of December 1931 ---

THE COMMISSIONER: Yes, it is.

THE WITNESS: It is understood, Mr. Wilson.

MR. WITNESS: It is actually the letter

sent. Those two letters are in Appendix A

and the letter is not found in Appendix

1931, that you have just produced, in paragraph

we have not found it.

THE COMMISSIONER: Yes, it is.

THE WITNESS: Yes.

MR. WITNESS: Then I don't know what we

need those original documents.

THE COMMISSIONER: Yes.

MR. WITNESS: Yes, I have not found it.

letter of March 2nd, 1931, that you have handed

to me from the Deputy Chief of Police to

yourself in necessary order.

A. That was just in further reference

to the letter of March 2nd, 1931, that you have handed

one or two others that he mentioned.

Q. Well, is it important as far

as clearing this up?

A. No, I don't think so.

Q. Then we won't bother about it.

There is one other matter outstanding from this

matter and what was the 2nd of March 1931?

Q. You were going to get your file on that.

A. Yes; I have the file now, Mr.

THE COMMISSIONER: Yes, it is.





1 incorporation of a club under the name "Port  
2 Credit Yacht Club". The application came  
3 in in June of 1959.

4 THE COMMISSIONER: Where is that referred  
5 to?

6 MR. WILSON: It is at page 25 of  
7 Appendix H.

8 THE WITNESS: The application was referred  
9 to the Provincial Police and to the chief  
10 constable of the village of Port Credit where  
11 the club premises were to be situate. There  
12 is a letter on behalf of the chief constable  
13 of Port Credit saying:

14 "Reference to your letter  
15 "dated June 2, 1959, regarding  
16 "an application by the Port Credit  
17 "Yacht Club for incorporation as  
18 "a corporation.

19 "No fault can be found with  
20 "the objects of this club as stated  
21 "in your letter and no objection to  
22 "the proposed incorporation can be  
23 "on those grounds. However, in  
24 "view of the physical lay-out of  
25 "the clubhouse as a bar and the  
26 "extensive drinking that is going on  
27 "on the premises an investigation  
28 "into the present and proposed plans  
29 "for liquor consumption might be  
30 "advisable before the incorporation



Investigation of a case which was held from  
 March 1911 to May 1912. The defendant was  
 in a June of 1912.

THE COURT: Where is that reference?

207

MR. WILSON: It is at page 22 of

THE WITNESS: The application was referred

to the Provincial Police and to the chief

the club members were to be advised. There

is a letter on behalf of the chief magistrate

in your report.

THE COURT: Yes, I have it.

"an application by the Port Credit

"Yacht Club for incorporation as

a corporation.

"No facts can be found with

"the objects of this club as stated

"in your letter and no objection to

"the proposed incorporation can be

"on those grounds. However, in

"view of the physical layout of

"the property and the fact that the

"proposed incorporation is for the purpose of

"an the creation of an investment

"into the present unincorporated firm

"the court is of the opinion that

"advantage before the incorporation





1 "is granted."

2 Then the Provincial Police replied:

3 " There is no objection to

4 "the club being operated as stated

5 "but from the information received

6 "it is apparent that the illegal

7 "sale of liquor is being conducted

8 "on the premises. It is also

9 "reported that a bar has been set

10 "up for that purpose. The situation

11 "would thus create an objection to

12 "the proposed incorporation.

13 " Chief Nelson has requested

14 "that these circumstances be brought

15 "to the attention of the Ontario

16 "Provincial Liquor Control Board,

17 "Enforcement Branch, for whatever

18 "action may be necessary."

19 Then there were a number of charges. I  
20 have newspaper clippings here on the file of  
21 persons charged. Whether there was conviction  
22 now, I cannot say.

23 MR. WILSON: Q. Am I right in saying  
24 or does the file indicate that later a licence  
25 was granted to confer on this club the right to  
26 sell liquor or to consume it on the premises?

27 A. No; there is nothing on the file  
28 to that effect.

29 Q. Did you ascertain whether that  
30 was the fact?



"is granted."

"There is no objection to"

"the sale of liquor in being conducted"

"on the premises. It is also"

"reported that a bar has been set"

"up for that purpose. The situation"

"is that these circumstances be brought"

"to the attention of the Ontario"

"Liquor Control Board, for whatever"

"action may be necessary."

Then there were a number of changes. I

have newspaper clippings here on the file of

persons charged. Whether there was conviction

now, I cannot say.

MR. MILLER: Q. Am I right in saying

or does the file indicate that later a license

was granted to conduct on this club the right to

sell liquor or to conduct it on the premises?

A. No; there is nothing on the file

to that effect.

Q. Did you ascertain whether that

was the fact?





1 A. No. As a matter of fact, I  
2 refused the application ---

3 Q. Well, I made inquiries and found  
4 that a licence was granted by the Liquor  
5 Licence Board.

6 A. Oh, was it? I see.

7 Q. You have no knowledge of that?

8 A. I cannot find anything on the  
9 file here. It wasn't brought to our attention  
10 by the solicitor for the club.

11 THE COMMISSIONER: Is that after or  
12 before the charges?

13 MR. WILSON: I had the Registrar call.

14 Q. Well, has your assistant the  
15 particulars of that?

16 A. No. I have the complete file  
17 here, Mr. Wilson, and I can see nothing on  
18 the file that the licence has been granted.

19 Q. Well, this assistant (indicating),  
20 maybe he can inform you?

21 A. I am informed a call has been  
22 made to the Liquor Licence Board and a licence  
23 was issued, we are informed, in December, 1961.

24 Q. In December of 1961?

25 A. Yes.

26 Q. Before this licence can be  
27 obtained am I right in saying that a charter  
28 has to be obtained by an organization such as  
29 this?

30 A. I believe that is the law, yes.



A. No. As a matter of fact, I

believe the application was

Q. Well, I made inquiries and found

that a license was granted by the State

of New York.

A. Oh, was it? I see.

Q. You have no knowledge of that?

A. I cannot find anything on the

file here. It wasn't brought to our attention

by the collector for the ship.

THE COMMISSIONER: Is that correct?

before the charges?

MR. WILSON: I had the registration call.

A. Well, the registration call

pertains to that?

A. No. I have the complete file

here, Mr. Wilson, and I can see nothing on

the file that the license has been granted.

Q. Well, this assistant (Laddington),

was he not with you?

A. I am not sure if he was or not.

name to the Higher License Board and a license

was issued, we are informed, in December, 1911.

Q. In December of 1911?

A. Yes.

Q. Now, this license was

obtained as I right in saying that a charter

has to be obtained by an organization such as

that?

A. I believe that is the law, yes.





1 Yes, I think they have to have a charter.

2 Q. So while the original application  
3 was refused, and that would be around June of  
4 1959, in December of 1961 -- January of 1961 --  
5 letters patent were issued?

6 THE COMMISSIONER: Then in December, 1961  
7 the licence was granted.

8 MR. WILSON: December of 1961, yes.

9 Q. Now ---

10 A. The letters patent are dated  
11 January 18, 1961.

12 Q. So that following the granting of  
13 the letters patent they did obtain a liquor  
14 licence?

15 A. Yes. I have just been informed  
16 that that is so.

17 Q. So from that point on any  
18 consumption of liquor on the premises would be  
19 quite legal?

20 A. Yes.

21 MR. WILSON: There was a matter that  
22 has been brought to my attention, Mr. Commissioner,  
23 with regard to certain evidence that has been  
24 given. It could simply be a typographical  
25 error. Perhaps we should look into it before  
26 I deal with it when he is recalled. (Document  
27 produced to Commissioner). I will pursue  
28 it further and possibly we can deal with it  
29 then.

30 THE COMMISSIONER: All right.



Yes, I think they have to have a number.

was raised, and that would be around June of

1959, in December of 1961 -- January of 1961 --

THE COMMISSIONER: Then in December, 1961

MR. WILSON: December of 1961, yes.

Q. How --

A. The letters patent are dated

January 13, 1961.

Q. So that following the granting of

the letters patent they did obtain a license

A. Yes. I have just been informed

that that is so.

construction of Japan on the premises would be

quite legal?

MR. WILSON: There was a matter that

has been brought to my attention, Mr. Commissioner,

with regard to certain evidence that has been

given. It could easily be a typographical

error. Perhaps we should look into it before

I deal with it when he is recalled. (Document

produced to Commissioner). I will presume

is further and possibly we can deal with it

then.





1 MR. WILSON: That is all. Thank you.

2 MR. ESTEY: While Mr. Gudney is here  
3 and without in any way getting into what one  
4 might call cross-examination, I wonder if I  
5 could ask some questions which would be of help  
6 in preparing for these hearings?

7 One seems to be dealing with what appears  
8 to be a mathematical impossibility at the front  
9 of Appendix H. It is on the page that is  
10 numbered 1. It is not the first page of  
11 Appendix H. The statement says that there  
12 are 1,219 applications ---

13 THE COMMISSIONER: Wait till I find it.

14 MR. WILSON: What page is it?

15 MR. ESTEY: Page numbered 1.

16 THE COMMISSIONER: Of Appendix H?

17 MR. ESTEY: Yes. It is a question of  
18 accounting for all these applications. Your  
19 lordship will see that in the second line it  
20 says that there have been 1,219 applications.  
21 Then in the fourth line it says that of these  
22 984 were granted by one method and then 123  
23 were refused for another and then in the third  
24 paragraph it says "In each of the applications  
25 set out herein . . .", which I presume refers  
26 to Appendix H, and there are 36 in Appendix H.  
27 That takes us to ---

28 MR. YAREMKO: There are 23. Perhaps I  
29 may be of some assistance.

30 MR. WILSON: Just a minute.



MR. WILSON: That is all. Thank you.

MR. WILSON: That is all. Thank you.

MR. WILSON: That is all. Thank you.

might call them a question, I wonder if I

could ask some questions which would be of help

to the Commission?

One seems to be dealing with what appears

to be a mathematical impossibility at the front

of Appendix H. It is on the page that is

numbered 1. It is not the first page of

Appendix H. The statement says that there

are four applications.

THE COMMISSIONER: Wait till I find it.

MR. WILSON: What page is it?

MR. WILSON: What page is it?

THE COMMISSIONER: Of Appendix H?

MR. WILSON: Yes. It is a question of

accounting for all these applications. You

know that there have been 1,812 applications.

Then in the fourth line it says that of these

had been granted by one method and then 182

were referred for another and then in the third

paragraph it says "In each of the applications

set out herein . . .", which I presume refers

to Appendix H, and there are 30 in Appendix H.

MR. WILSON: There are 30. Paragraph 1

may be of some assistance.

MR. WILSON: There are 30. Paragraph 1

may be of some assistance.

MR. WILSON: There are 30. Paragraph 1





1 MR. YAREMKO: If you turn to page 96  
2 of the brief ---

3 THE COMMISSIONER: That doesn't come out  
4 right either. There were 1,291 applications  
5 for letters patent where the objects have been  
6 wholly or in part of a social nature in the  
7 light of the Department's interpretation.  
8 Of these, 984 were granted after referral to  
9 the police where the reports were completely  
10 favourable and 123 were refused after referral  
11 to the police. That makes 1,107.

12 Then 63 were refused because the  
13 applications didn't comply with departmental  
14 policy. That makes 1,170. So we have to  
15 account for the whole 1,219. We have  
16 accounted for just 1,170.

17 MR. ESTEY: 49 are to be accounted for,  
18 my lord.

19 THE COMMISSIONER:

~~MR. LORDSHER~~ Yes.

20 MR. ESTEY: Of which 36 are accounted  
21 for in the index to Appendix H itself. That  
22 leaves a residue of 13.

23 MR. YAREMKO: I wonder if I may be  
24 of assistance to you, Mr. Commissioner?

25 THE COMMISSIONER: Yes.

26 MR. YAREMKO: If you will look, you  
27 will see on the right hand side of page 96  
28 we have 1,219 applications dealt with. It  
29 carries on to the bottom. Now, the next  
30 figure to the left of the 1,219, you will

MR. YAMM: I don't know.

wholly or in part of a social nature in the

the police where the reports were compiled

Then a new nation because the





1 see applications granted 1,033, and applications  
2 refused 186.

3 THE COMMISSIONER: Oh yes, I see, up  
4 at the top.

5 MR. YAREMKO: We have 1,033 and 186.  
6 There are 1,033 granted and 186 refused. That  
7 makes up 1,219.

8 THE COMMISSIONER: Could the figure on  
9 page 1 of the brief be wrong?

10 MR. YAREMKO: No. If you will just bear  
11 with me for a moment, we find the breakdown  
12 of the ones that are granted, the 1,033. I  
13 think Mr. Estey can understand those that were  
14 refused, 123 and 63. We have 1,033 that  
15 were granted. There were 1,011 referred to  
16 the police in the regular course and then we  
17 have that figure broken down, in which 981  
18 were completely favourable and 3 were completely  
19 favourable but they were subsequently cancelled.  
20 So we get 984 favourable, and that is the  
21 figure on page 1 of the appendix. Of these,  
22 984 were granted after referral to the police  
23 where the reports were completely favourable.  
24 That is those.

25 Then, Mr. Commissioner, 27 were granted  
26 where there were reports other than completely  
27 favourable, and they are contained in Appendix H.  
28 So we get that sub-total of 1,011, which were  
29 referred to the police. Then there were  
30 applications not referred to the police, Appendix G;



see applications numbered 1,000, and applications

numbered 100.

THE COMMISSIONER: Oh yes, I see, up

at the top.

MR. YAMMICO: We have 1,000 and 100.

There are 1,000 numbered and 100 numbered.

Number up 1,010.

THE COMMISSIONER: Now, the 1,010 on

page 1 of the book is wrong.

MR. YAMMICO: No. It will just be

with me for a moment, we find the number

of the ones that are wanted, the 1,000. I

think Mr. Batey can understand where that was

retained, 100 and 00. We have 1,000 and

100 numbered.

the police in the regular course and then we

have that figure broken down, in which 900

were completely favorable and 9 were completely

unfavorable but they were subsequently cancelled.

So we got 900 favorable, and that is the

figure on page 1 of the appendix. Of these,

900 were returned after referral to the police

where the records were completely favorable.

That is true.

THE COMMISSIONER: Now, the 1,010

numbered and 100 numbered, the 1,010

favorable, and they are contained in Appendix B.

So we get that total of 1,010, which were

referred to the police. Then there were

applications not referred to the police, Appendix C;





1 That is 18; and applications granted to bring  
2 clubs under provincial control, 3; and  
3 applications granted to replace cancelled  
4 letters, 1; and that is 22, which makes it  
5 1,033.

6 If I can have a moment I can assist Mr.  
7 Estey. That is an accountant's figure, that  
8 balance.

9  
10  
11 (Page 9692 follows)  
12  
13  
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17  
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The 24th of January 1902

of the above provincial council, 2; and  
applications granted to replace cancelled  
tickets, 1; and that in 25, which makes it  
1,032.

If I can have a word I can assure Mr.  
Hutch. that as an accountant's figure, that  
balance.

(The sum of £100)





BB/FTP/1

1 THE COMMISSIONER: Instead of talking,  
2 why don't you and Mr. Estey sit down together  
3 and work out the figures?

4 MR. ESTEY: Very good, my lord. The  
5 other question is this, Mr. Commissioner.  
6 In order to narrow down our examinations,  
7 which will have to be extensive and intensive  
8 for the next few days, I would like to ask  
9 Mr. Cudney if the racing charters that we  
10 see mentioned in the paper increasingly of  
11 late, are in part or in whole corporations  
12 without share capital under Part III of  
13 the Act.

14 MR. WILSON: Just a minute. We are  
15 not surely embarking on any inquiry into  
16 racing charters here?

17 THE COMMISSIONER: Wait a moment.

18 MR. WILSON: I have to be fast because  
19 he is talking about racing.

20 THE COMMISSIONER: I know he is talking  
21 about racing, but let him talk about it. I  
22 want to know what the relevancy is.

23 MR. ESTEY: The relevancy, if it is  
24 relevant ---

25 THE COMMISSIONER: I want to know why  
26 you suggest that it may be.

27 MR. ESTEY: Well, because if these  
28 corporations, Mr. Commissioner, are corporations  
29 without share capital, and if the broad  
30 interpretation which we have heard so much



THE COMMISSIONER: Instead of talking,

and work out the answers?

MR. ESTEY: Yes, sir, I would like to ask

other question in this, Mr. Commissioner.

In order to narrow down our examination,

which will have to be extensive and intensive

for the next few days, I would like to ask

Mr. Cadney if the racing charters that he

has mentioned in the paper incidentally of

late, are in part or in whole corporations

without share capital under Part III of

the Act.

MR. WILSON: Just a minute. We are

not merely emphasizing on any industry into

racing charters here?

THE COMMISSIONER: Yes, sir, I am.

MR. WILSON: I have to be fast because

he is talking about racing.

THE COMMISSIONER: I am not talking

about racing, but let him talk about it. I

want to know what the relevancy is.

MR. ESTEY: The relevancy, it is in

relevant ---

THE COMMISSIONER: I want to know why

you suggest that it may be.

MR. ESTEY: Well, because these

corporations, Mr. Commissioner, are corporations

without share capital, and if the proceeds

of these corporations which we have heard so much





1 about for the last two days includes this kind  
2 of sporting club as well as the kind we have  
3 heard talked about, then it may be that we  
4 should on my side of the fence be directing  
5 some thought as to what has been going on  
6 in this use of these very same charters.

7 Now, it may be that they are limited,  
8 they are share capital companies. I don't  
9 know. The reason I ask the question, my  
10 lord, is that there are thirteen of them  
11 named in the newspaper in the last two days.  
12 Of these thirteen about seven of them do  
13 not have the usual word "Limited" after them,  
14 but end up with the word "Club" or "Association"  
15 and it looks like a corporation under Part III.

16 If it is a corporation under Part III,  
17 then a question arises how those charters  
18 have been handled (and there is one page in  
19 the brief about that) as compared with the  
20 other kind of social club of which there are  
21 so many examples here.

22 Now, when we are finished we may decide  
23 on our own check that it is all irrelevant,  
24 but as a little wee starter I would like to  
25 know if these are Part III companies.

26 THE WITNESS: I think mostly ---

27 THE COMMISSIONER: Just a minute. I  
28 think he can answer that. I don't know where  
29 it leads us.

30 THE WITNESS: I think mostly, my lord,



It is a corporation under Part III, and is known like a corporation under Part III, but end up with the word "Club" or "Association" not have the usual word "Limited" after them, of those thirteen about seven of them do stand in the newspaper in the last two days. Now, is that there are thirteen of them now. The reason I ask the question, my only one there capital corporation, I don't

Now, when he was finished he was ready  
on our own ground that he is all the while,  
but as a little we started I would like to  
know if there are any other.





1 they are corporations with share capital. There  
2 may be the very odd one that is without share  
3 capital, but they are corporations with share  
4 capital. The thirteen, Mr. Estey ---

5 MR. ESTEY: Q. Seven are in Windsor  
6 and six in Ottawa, if that may help to bring  
7 it back to your mind.

8 A. Those in the paper -- yes, the  
9 Gazette just recently, there were two notices  
10 for it. One was a reviver and one was  
11 supplementary.

12 THE COMMISSIONER: They were share capital?

13 A. Share capital.

14 MR. ESTEY: Q. Those were share capital,  
15 and I perceive that from the fact they have  
16 the word "Limited" after them, but those in  
17 turn, my lord, have somehow gathered under  
18 their wing a nest of companies that do not  
19 seem to be share capital companies but which  
20 each have fourteen days of racing somehow  
21 tied into them. My question really was:  
22 Are those social clubs? If they are not,  
23 that is the end of it. If they are treated  
24 as social clubs, then it may turn out to be  
25 relevant, I don't know, but at this preliminary  
26 stage I would like to know.

27 THE COMMISSIONER: At the moment I do  
28 not see what relevance there is.

29 MR. ESTEY: Well, the terms of reference,  
30 again, are:



may be the very old one that is without share capital, but they are corporations with share

capital. The question is, what is the difference between the two? It is the fact that the one is a corporation and the other is not. It is the fact that the one is a corporation and the other is not. It is the fact that the one is a corporation and the other is not.

A. Those in the report -- yes, the George just recently, there were two notions for it. One was a revolver and one was

THE COMMISSIONER: They were share capital?

A. Share capital.

MR. EATON: A. There were share capital,

and I perceive that from the fact they have the word "limited" after them, but there is their mind a sort of corporation that do not seem to be share capital companies but which each have fourteen days of trading season tied into them. The question really was: Are there social clubs? If they are not, that is the end of it. If they are created as social clubs, then it may turn out to be relevant, I don't know, but at this preliminary

THE COMMISSIONER: At the moment I do

MR. EATON: Well, the term of reference,

again, and:





1 "The administration of the laws and  
2 "regulations regarding the incorporation  
3 "and operations of social clubs."

4 It has never been defined, fortunately or  
5 unfortunately, but very broadly interpreted  
6 by the Department, as including art clubs  
7 and bird-watching clubs, and anything where  
8 people come together except for commercial  
9 results apparently is a social club. In  
10 any event, my lord, a great number of the  
11 clubs that we have been directing our  
12 attention to the last two days are athletic  
13 clubs, sporting clubs, named in Section 102  
14 of the Act.

15 Now, I come to a horse racing club  
16 and there was great horror expressed that  
17 this may not be a social club. With respect,  
18 I think under the definition used by the  
19 learned Deputy Minister, it is a social  
20 club but it may have share capital. If it  
21 has then I am content.

22 MR. YAREMKO: Mr. Commissioner, if I  
23 may just make a statement, if Mr. Estey  
24 wants to give evidence he should get into  
25 the box. I don't know whether he is giving  
26 evidence or giving opinion, or what he is  
27 doing.

28 THE COMMISSIONER: He is giving opinion,  
29 Mr. Yaremko.

30 MR. YAREMKO: Mr. Commissioner, I can



"The combination of the law and  
 "regulations regarding the incorporation  
 "and operations of social clubs."  
 It has never been defined, particularly on  
 by the department, as including any clubs  
 and time-serving clubs, and anything where  
 people come together except for commercial  
 results apparently is a social club. In  
 any event, my lord, a great number of the  
 clubs that we have been discussing are  
 attention to the last two days are athletic  
 clubs, sporting clubs, named in Section 108  
 of the Act.  
 Now, I come to a horse racing club  
 and there was great honor expressed that  
 this may not be a social club. With respect,  
 I think under the definition used by the  
 learned Deputy Minister, it is a social  
 club and it may have some athletic. It is  
 has then I am content.  
 MR. YAMMICO: Mr. Commissioner, if I  
 may just make a statement, if Mr. Harvey  
 wants to give evidence he should get into  
 the box. I don't know whether he is giving  
 evidence or giving opinion, or what he is  
 doing.  
 THE COMMISSIONER: He is giving opinion.  
 MR. YAMMICO.





1 assure you if he were to walk over to Parliament  
2 Buildings and search the public records, all  
3 his information will be given, is there in  
4 the public file.

5 MR. ESTEY: I have done all that.

6 THE COMMISSIONER: He doesn't want to  
7 waste time looking at public files if it  
8 turns out they are share capital companies.  
9 That is all he is enquiring about at the  
10 moment.

11 MR. YAREMKO: That is where he can get  
12 the information.

13 THE COMMISSIONER: Well, the witness, I  
14 suppose, knows. Instead of going over there  
15 and saying, "I want to examine all these  
16 horse racing charters and the revivers and  
17 all the correspondence", he simply wants to  
18 save time by ascertaining whether or not  
19 they are share capital corporations. If  
20 they are, that is the end of the matter.  
21 That is your point?

22 MR. ESTEY: That is my point, my lord.

23 THE WITNESS: They are all share capital,  
24 my lord. I have just checked it. I thought  
25 perhaps it was the other one, but they are  
26 all share capital.

27 THE COMMISSIONER: That ends the matter.

28 MR. ESTEY: Thank you very much.

29 THE COMMISSIONER: Anything else?

30 MR. WILSON: No, I think that is all for



and search the public records, all  
his information will be given, in short in

MR. GURNEY: I have done all that.

THE COMMISSIONER: He doesn't want to

waste time looking at public files if it

that is all he is endeavoring about at the

MR. VANHORN: That is where he can get

the information.

Instead of going over there

and saying, "I want to examine all these

horse racing charts and the reviews and

all correspondence", he simply wants to

save time by ascertaining whether or not

they are, what is the end of the matter.

That is your point?

MR. GURNEY: That is my point, my lord.

MR. GURNEY: They are not horse racing,

my lord. I have just looked it. I thought

perhaps it was the other way, but they are

all horse racing.

THE COMMISSIONER: What does the matter.

MR. GURNEY: Thank you very much.

THE COMMISSIONER: A further check?

MR. GURNEY: No, I think that is all for





1 to-day. I would have thought that racing was  
2 commercial.

3 MR. ESTEY: Depends whether you are  
4 winning or losing.

5 THE COMMISSIONER: We will simply have  
6 to adjourn sine die and await the final  
7 decision on the matters involved in the  
8 application for leave to appeal to the  
9 Supreme Court of Canada to which reference  
10 has already been made. I will see that  
11 counsel are advised when we are going to  
12 resume.

13 There is nothing that we could fill in  
14 with in the meantime, I want to make that  
15 very plain. If there were anything we could  
16 go on with in the meantime, we would go on  
17 with it, but we cannot pending the matter  
18 before the Court.

19  
20 ---Whereupon the hearing adjourned at 2.47 p.m.  
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50-433. I would have thought that meeting was

The Commissioner: We will simply have

to adjourn also the and wait the final  
decision on the matter involved in the  
application for leave to appeal to the  
Honorable Court of Canada to which reference  
has already been made. I will see that  
counsel are advised when we are going to  
begin.

There is nothing that we could fill in  
with it at present, I am not sure that  
very plain. If there were anything we could  
go on with in the meantime, we would go on  
with it, but we cannot pending the matter  
before the court.

--Whereas the hearing adjourned at 2.47 p.m.









48

VOLUME NO.....

ROYAL COMMISSION

ON CRIME

IN ONTARIO

DAILY TRANSCRIPT  
OF PROCEEDINGS

Date Wed., 19th Sept., 1962

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Toronto







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254.	9703	Criminal record of V.P. Feeley
255.	9817	Income tax returns, Vincent Feeley, 1954 to 1960
256.	9817	Copies of Exhibit 255 with statements attached
257.	9835	Summary of returns



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A/FJMcG/1

WEDNESDAY, SEPTEMBER 19, 1962

---On resuming at 11.10 a.m.

THE COMMISSIONER: Yes, Mr. Wilson.

MR. WILSON: I will recall Vincent B. Feeley.

VINCENT BERNARD FEELEY, sworn.

MR. ROBE: In respect to this witness, Mr. Commissioner, I wonder if it might be noted on the record that this witness objects to answer each and every question put to him on the grounds that the answer may tend to criminate him or expose him to a civil action at the instance of the Crown or any other person. Rather than have him make that objection from time to time, when he feels it proper to so do, I thought perhaps it might be agreed that he is making that objection at this time and that in respect to each and every question asked that it be agreed the same objection has been made by him without having to go through the formality of making it, if that is agreeable to you, sir.

THE COMMISSIONER: You concur in that,



THE COMMISSIONER: Yes, sir, I will.

MR. WILSON: I will answer, sir.

THE COMMISSIONER: Yes, sir.

MR. WILSON: In answer to this witness, Mr. Commissioner, I wonder if it might be noted on the record that this witness objected to answer each and every question put to him on the ground that the answer may tend to criminate him or expose him to a civil action at the instance of the Crown or any other person. Whether that was his real objection from time to time, when he made it known to me, I thought perhaps it would be agreed that he is making that objection at this time and that in response to each and every question asked that he be agreed the same objection has been made by him without leaving to the Commission the formality of making it, it that is a reply to you, sir.

THE COMMISSIONER: You concern in that,





1 do you, Mr. Feeley?

2 A. Yes.

3 THE COMMISSIONER: Mr. Wilson, have you  
4 anything to say on that matter?

5 MR. WILSON: I quite agree and I think it  
6 is a proper procedure, Mr. Commissioner.

7 THE COMMISSIONER: Very well.

8  
9  
10  
11  
12 EXAMINED BY MR. WILSON:

13 Q. When I examined you very briefly  
14 on June 6th last, I think you had told me, if  
15 the transcript is correct, that you were at  
16 that time 38 years of age?

17 A. That would be correct.

18 Q. So that in 1954 you would be 30  
19 years of age?

20 A. That's right.

21 Q. What is the date of your birthday?

22 A. December 22nd.

23 Q. And you were born in what year?

24 A. 1924.

25 MR. MACKINNON: I cannot hear the  
26 witness.

27 THE COMMISSIONER: Please speak up so  
28 that every one can hear you.

29 MR. MACKINNON: When did he say he was  
30 born?



do you, Mr. Foster?

A. Yes.

THE COMMISSIONER: Mr. Wilson, have you

any other information?

MR. WILSON: I agree with you and I think it

is a good thing to have it.

THE COMMISSIONER: Very well.

EXHIBIT A

A. When I examined you very briefly

on June 1st last, I think you had told me, in

the transcript in correct, that you were

then some 30 years of age?

A. That would be correct.

Q. About in 1934 you would be 30

years of age?

A. That's right.

Q. What is the date of your birthday?

A. December 2nd.

Q. And you were born in New York?

A. Yes.

MR. WILSON: I cannot hear the

answer.

THE COMMISSIONER: Please speak up so

that every one can hear you.

MR. WILSON: When of the day he was



1 THE WITNESS: 1924.

2 THE COMMISSIONER: December 22nd.

3 MR. WILSON: I don't want to repeat what  
4 you have already dealt with but I want to  
5 just mention one or two things that appear  
6 in the evidence you gave on the 6th of June.  
7 After leaving school, you worked as a  
8 bartender in hotels and in a munitions  
9 plant and also in a smelter at Sudbury; is  
10 that correct?

11 A. That's right.

12 Q. This would be all prior to 1954?

13 A. Yes.

14 THE COMMISSIONER: Q. How far did you  
15 go in school, Mr. Feeley?

16 A. First form high school.

17 MR. WILSON: Q. In 1945 am I right in  
18 saying that you were convicted at Toronto  
19 of vagrancy and sentenced to twenty days?

20 A. No, I don't believe so, Mr.  
21 Wilson.

22 Q. You don't believe so?

23 Well, Mr. Commissioner, I am filing  
24 the criminal record of this witness.

25 THE COMMISSIONER: Show him the record.

26 MR. WILSON: Yes, I will show it to him.

27 THE COMMISSIONER: To refresh his  
28 memory.

29 MR. WILSON: Q. There is a copy. (Document  
30 produced to witness)





THE COMMISSIONER

MR. WILSON: I don't know to whom you

you have already dealt with it I want to

in the evidence you gave on the 27th of June.

After leaving school, you worked as a

passenger in hotels and in a restaurant

plant and also in a restaurant at Hudson;

these correctly?

A. That's right.

Q. This would be all prior to 1944?

A. Yes.

THE COMMISSIONER: Now the 27th of June

no in school, Mr. Wilson?

A. That's correct.

Q. Now the 27th of June, 1944?

A. Yes, that's correct.

Q. Now the 27th of June, 1944?

A. Yes, that's correct.

Q. Now the 27th of June, 1944?

A. Yes, that's correct.

Q. Now the 27th of June, 1944?

A. Yes, that's correct.

Q. Now the 27th of June, 1944?

A. Yes, that's correct.

Q. Now the 27th of June, 1944?

A. Yes, that's correct.

Q. Now the 27th of June, 1944?

A. Yes, that's correct.

Q. Now the 27th of June, 1944?

A. Yes, that's correct.



1 A. I see where it says that here, Mr.  
2 Wilson, but I don't recall it.

3 Q. You don't recall the incident.  
4 Then, just looking at that record that you have  
5 in your hand, the next item is under date  
6 of February 7, 1945, a conviction for forgery  
7 at Toronto and a sentence of six months in  
8 the Guelph Reformatory; is that correct?

9 A. That is what it says here.

10 Q. Well, is it correct?

11 A. Yes, sir.

12 Q. The next conviction listed is  
13 February 9, 1945, at Toronto, a charge  
14 under The British War Industries Control  
15 Board Regulations, or it is a breach, the  
16 abbreviation, I think, means a breach of  
17 the War Industries Control Board Regulations,  
18 and a sentence of fifteen days; is that  
19 correct?

20 A. That is what it says here.

21 Q. Well, is it correct?

22 A. I don't recall the incident,  
23 Mr. Wilson. I couldn't swear it was  
24 correct at all.

25 Q. Is that your picture or a  
26 photograph of yourself that is attached to  
27 that original certificate of your con-  
28 victions?

29 A. Yes, I would say it was.

30 Q. Then the next conviction on that



Q. Now, I don't recall it.

A. I don't recall it.

Q. You don't recall the incident.

A. Yes, just looking at that record that you have.

Q. In your mind, you don't like it very much.

A. Of February 7, 1945, a conviction for robbery.

Q. At Toronto and a sentence of six months in

the Ontario Reformatory; is that correct?

A. That is what it says here.

Q. Well, is it correct?

A. Yes, sir.

Q. The next conviction listed is

February 7, 1945, at Toronto, a conviction

for robbery and receiving stolen goods.

Q. Second Reformatory, or is it in a prison, the

reformatory, I believe, is a branch of

the Ontario Reformatory, is that correct?

A. And a sentence of fifteen days; is that

correct?

A. That is what it says here.

Q. Well, is it correct?

A. I don't recall the incident.

Q. Now, I don't recall the incident.

A. Yes, sir.

Q. Is that your picture or a

photograph of yourself that is attached to

that original certificate of your con-

VIATIM

A. Yes, I would say it was.

Q. Then the next conviction on card





1 list is February 24, 1947, a conviction of having  
2 been found in a common gaming house at Toronto  
3 and a fine of \$10 and costs; is that correct?

4 A. I believe it is, sir.

5 Q. Well, is there any question  
6 about it?

7 A. Well, that is quite a few years  
8 ago now. I couldn't swear as to whether  
9 it is correct.

10 Q. The next conviction listed is  
11 under date of June 23, 1948, at Toronto, a  
12 conviction of keeping a common betting house  
13 and a fine of \$200 and costs; is that  
14 correct?

15 A. To the best of my knowledge,  
16 it is, sir.

17 Q. And the next conviction listed  
18 is under date of September 17th ---

19 THE COMMISSIONER: No, that was withdrawn.

20 MR. WILSON: Yes, you are quite right,  
21 Mr. Commissioner. I am sorry.

22 Q. The next conviction listed is  
23 under date of March 23, 1962, at Toronto, a  
24 conviction for conspiring to effect an  
25 unlawful purpose, and a sentence of eighteen  
26 months definite and six months indefinite.  
27 Now, in fairness to the witness, that  
28 conviction was registered and I understand  
29 it is under appeal?

30 A. That is correct.

A/2



that in February 20, 1947, a conviction of having

been found in a certain building house in Boston

and a fine of \$50 and costs; is that correct?

A. I believe it is, sir.

Q. Now, is that the conviction?

Yes, sir.

A. Yes, that is with a fine of \$50

and now. I don't want to say as to whether

it is correct.

Q. The next conviction listed is

under date of June 23, 1948, at Toronto, a

conviction of having a certain article

and a fine of \$50 and costs; is that

correct?

A. To the best of my knowledge,

it is, sir.

Q. And the next conviction listed

is under date of September 1948 --

the conviction: No, that is incorrect.

Q. Now, was that conviction listed?

A. No, sir.

Q. The next conviction listed is

under date of March 22, 1949, at Toronto, a

conviction for committing an offence

unlawful purpose, and a sentence of fifteen

months detention and six months probation.

Now, is that the conviction, sir?

conviction was registered and I understand

it is under appeal?

A. That is correct.



1 Q. And, finally, under date of  
2 March 26, 1962, at Toronto a conviction for  
3 keeping a common gaming house and a fine of  
4 \$4,000 and costs. And that is correct,  
5 is it not?

6 A. Yes, sir.

7 Q. That conviction related to gaming  
8 on the premises of what we know as the Centre  
9 Road Club at Cooksville?

10 A. That is correct, sir.

11 MR. WILSON: We will file that, Mr.  
12 Registrar, as Exhibit No. 254.

13  
14 ---EXHIBIT NO. 254: Criminal record of V.B. Feeley.

15 THE COMMISSIONER: While you are on that  
16 subject, where was the premises in respect of  
17 which you were convicted on June 28th, 1948,  
18 of keeping a common betting house?

19 A. That would be somewhere in New  
20 Toronto.

21 Q. I know, but where in New Toronto?

22 A. I am not just certain which  
23 premises it was. It could have been one of  
24 two premises, either a cigar store on the  
25 Lakeshore Road or 132 Sixth Street.

26 Q. 132 Sixth Street is in New Toronto?

27 A. That's right.

28 Q. Either at that address or what  
29 other address?

30 A. I am not certain of the address;





March 20, 1935, at Toronto a conviction for  
keeping a common gaming house and a fine of  
\$4,000 and costs. And that is correct,

is it not?

A. Yes, sir.

on the grounds of what he knew at the time

and time is immaterial

A. Yes, is correct, sir.

Mr. Wilson: We will call next, Mr.

Registrar, an Exhibit No. 22.

-- Exhibit No. 22: Original record of V.B. Record.

THE COURT: While you are on your

feet, what was the evidence in respect of

which you were convicted on June 20, 1935,

of keeping a common gaming house?

A. That would be somewhere in New

Q. I know, was there in New Toronto?

A. I am not sure whether in New

Toronto or not. It could have been one of

the premises, either a single one or the

Lakewood Road or the Sixth Street.

Q. 122 Sixth Street in New Toronto?

A. That's right.

A. I am not certain of the address;



1 eight hundred and something Lakeshore Road, New  
2 Toronto.

3 Q. Did you keep a common gaming  
4 house at both of those places?

5 A. Well, I moved from one place to  
6 the other, you see.

7 Q. They were not operating concurrently?

8 A. No.

9 Q. But at both on different occasions  
10 you kept a common gaming house?

11 MR. MACKINNON: I believe it is a common  
12 betting house.

13 MR. WILSON: Yes, a betting house.

14 THE COMMISSIONER: Q. Yes.

15 A. Yes.

16 Q. All right.

17 MR. WILSON: Q. You mentioned in your  
18 evidence earlier that you operated a cigar  
19 store known as Hennessey's Cigar Store in  
20 New Toronto?

21 A. Yes, sir.

22 Q. At what address was that store  
23 located?

24 A. Well, it would be this one I  
25 just made reference to.

26 Q. 132 Sixth Street?

27 A. No, eight hundred and something  
28 Lakeshore Road. I have just forgotten the  
29 address.

30 Q. When you say you operated it, did



Q. Did you keep a common gaming house?

A. Yes.

Q. Did you keep a common gaming house?

A. Yes.

Q. Well, I moved from one place to

one other, you see.

Q. They were not operating continuously?

A. No.

Q. But at both on different occasions

you kept a common gaming house?

MR. MCKINNON: I believe it is a common

practice.

THE COURT: All right, please.

MR. MCKINNON: Yes.

A. Yes.

Q. All right.

MR. WILSON: Q. You mentioned in your

evidence earlier that you operated a cigar

store known as Henningsen's Cigar Store in

New Toronto?

A. Yes, sir.

Q. At what address was that store

located?

A. Well, it would be this one I

last made reference to.

Q. Is that correct?

A. No, eight hundred and something

Lawrence Road. I have just forgotten the

number.

Q. What was the approximate number?





1       you own the premises on which that business  
2       was located?

3           A.       No, I didn't, sir.

4           Q.       During what period, what years,  
5       did you operate the Hennessey Cigar Store?

6           A.       Well, I don't remember now. It  
7       seems to me it would be in and about that  
8       time.   Possibly -- there again I am only  
9       guessing and I couldn't swear to it ---

10          Q.       When you were talking about in  
11       and about that time, what time are you  
12       talking about, the time of the conviction?

13          A.       I am talking about this year 1948.  
14       It seems to me it may have been prior to that.

15          Q.       When you were convicted of  
16       keeping a common betting house, that is the  
17       time?

18          A.       Well, this 1948 reference, Mr.  
19       Commissioner, it is June, 1948.

20               THE COMMISSIONER: Q. Yes, June, '48.

21          A.       Yes, some time prior to that.

22          Q.       How long did you operate  
23       Hennessey's Cigar Store?

24          A.       Oh, it may have been a year, it  
25       may have been a little longer.   I would  
26       say somewhere in and around that neighbourhood.

27          Q.       That is operating the place as  
28       a common betting house?

29          A.       As a cigar store.

30          Q.       Well, I know it was a cigar store,



was located?

A. Yes, I think it was.  
Q. Did you see it? Did you see it?  
A. Yes, I think it was.

A. Well, I don't remember now. It  
seems to me it would be in that sort of  
time. Possibly -- there wasn't I am only  
guessing and I couldn't swear to it --

Q. When you were talking about it  
and about the time, was it about  
talking about, the time of the conviction?

A. I am talking about the time that  
it seems to me it may have been prior to that.  
Q. When you were convicted of

keeping a common betting house, that is the  
time?

A. Well, yes, that is correct, yes.  
Q. Conviction, is it June, 1933?

Q. Yes, June, 1933.  
A. Yes, some time prior to that.

Q. How long did you operate

Donnelly's Club Store?

A. Oh, it may have been a year, it

may have been a little longer. I would

say somewhere in and around that neighborhood.

Q. That is operating the place in

the same place?

A. Yes, I think so.

Q. Well, I know it was a club store,



1 but were you keeping a common betting house  
2 there, and for how long?

3 A. Possibly a year. I couldn't be  
4 certain of the time.

5 Q. Then for how long at 132 Sixth  
6 Street?

7 A. Well, I bought those premises  
8 some time in 1948 along with two other parties  
9 and it was some time after that.

10 Q. For how long?

11 A. Well, maybe three or four or five  
12 years.

13 Q. You mean during those three or  
14 four or five years you were operating that as  
15 a common betting house?

16 A. Yes, I took bets in there in  
17 those years.

18 Q. Who were the other parties at  
19 that particular address?

20 A. Are you referring now to the  
21 ownership of the property?

22 Q. Yes. You said you bought it  
23 with two other parties?

24 A. Yes, one James Ryan and one Joseph  
25 McDermott.

26 Q. All right.

27 MR. WILSON: Q. Was there a formal  
28 partnership agreement between yourself, Ryan  
29 and McDermott?

30 A. What is your definition, Mr. Wilson?





Q. Now, you say that you were not there at the time?

A. Yes, and you know that.

Q. Now, you say that you were not there at the time?

A. Yes, and you know that.

Q. Now, you say that you were not there at the time?

A. Yes, and you know that.

Q. Now, you say that you were not there at the time?

A. Yes, and you know that.

Q. Now, you say that you were not there at the time?

A. Yes, and you know that.

Q. Now, you say that you were not there at the time?

A. Yes, and you know that.

Q. Now, you say that you were not there at the time?

A. Yes, and you know that.

Q. Now, you say that you were not there at the time?

A. Yes, and you know that.

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A. Yes, and you know that.

Q. Now, you say that you were not there at the time?

A. Yes, and you know that.

Q. Now, you say that you were not there at the time?

A. Yes, and you know that.

Q. Now, you say that you were not there at the time?

A. Yes, and you know that.

Q. Now, you say that you were not there at the time?

A. Yes, and you know that.

Q. Now, you say that you were not there at the time?

A. Yes, and you know that.

Q. Now, you say that you were not there at the time?

A. Yes, and you know that.

Q. Now, you say that you were not there at the time?



1 Q. Well, was your partnership arrange-  
2 ment reduced to writing?

3 A. No, sir.

4 Q. Never at any time?

5 A. No, sir.

6 Q. But you did have a partnership in  
7 certain enterprises and you carried on that  
8 for some years, didn't you?

9 A. Well, I would say from time to  
10 time.

11 Q. When did it first start to function  
12 as a partnership?

13 A. Well, there again, sir, I would  
14 only be guessing because we grew up and we  
15 went to school together and we have known  
16 each other all our lives.

17 Q. Well, you say you bought this  
18 property, 132 Sixth Street in New Toronto,  
19 together, the three of you?

20 A. Yes, sir.

21 Q. What year was that?

22 A. To the best of my recollection,  
23 it would be some time in and about 1948.

24 Q. Do you remember the purchase  
25 price?

26 A. No, offhand I don't.

27 THE COMMISSIONER: Q. Well, whatever it  
28 may be, did you each contribute equally?

29 A. Yes, as I recall, that was the  
30 arrangement.

fraction of brooder time

112, 67 A

THE END OF THE WORLD. 2

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and an average of 100 individuals cluster.

4. Well, I would say from time to time

.9 When old man died he left some money

February 1963 is on

1994-1995





1 MR. WILSON: Q. Between 1948 and the end  
2 of 1953 had you either alone or with Ryan and  
3 McDermott purchased any further property?

4 A. From '48 ---

5 Q. Through to the end of 1953?

6 A. I don't recall. I couldn't swear  
7 yes or no on that, Mr. Wilson. It escapes  
8 my memory. I don't recall.

9 THE COMMISSIONER: Q. You mean as to  
10 the dates?

11 A. Yes, sir.

12 MR. WILSON: Q. Well, at the end of 1953,  
13 apart from your interest in this property at  
14 132 Sixth Street in New Toronto, did you  
15 own any other property or have any interest  
16 in any other property?

17 A. Well, that would be about -- that  
18 would be almost ten years ago now, wouldn't it?

19 THE COMMISSIONER: Yes.

20 MR. WILSON: Q. Well, I appreciate that.  
21 What property did you buy after you bought  
22 132 Sixth Street? Surely you remember?

23 THE COMMISSIONER: You mean he alone?

24 MR. WILSON: Yes, he alone or in  
25 association with McDermott and Ryan.

26 A. That is, you mean up to to-day,  
27 sir?

28 MR. WILSON: Q. Yes.

29 A. We owned a piece of property on --  
30 another piece of property in New Toronto, on



Q. Now, did you ever have any property in 1933?

A. Yes, I did.

Q. What property?

A. I don't recall.

Q. Did you own any property in 1933?

A. I don't recall.

Q. Did you own any property in 1933?

A. I don't recall.

Q. Did you own any property in 1933?

A. I don't recall.

Q. Did you own any property in 1933?

A. I don't recall.

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A. I don't recall.

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A. I don't recall.

Q. Did you own any property in 1933?

A. I don't recall.

Q. Did you own any property in 1933?

A. I don't recall.





1 New Toronto Street.

2 Q. What number was that?

3 A. I don't recall the exact number.

4 It seems to me it would be in 200 block on  
5 New Toronto Street.

6 Q. Do you remember the purchase price  
7 of that property?

8 A. It seems to me it was around \$1500  
9 or \$1800, somewhere around that for the piece  
10 of land.

11 THE COMMISSIONER: Q. Was it vacant land?

12 A. Yes, sir.

13 MR. WILSON: Q. I have now looked at the  
14 file on 132 Sixth Street and I see that the  
15 purchase price there was \$5,000. You say  
16 you contributed one-third of that purchase  
17 price in 1948, as you said? I noticed the  
18 declaration under The Land Transfer Tax Act  
19 is on the 16th of May, 1949.

20 A. If that is what it says. I thought  
21 it was a little more than \$5,000. It may  
22 have been \$5,000.

23 MR. WILSON: Q. When did you ---

24 THE COMMISSIONER: Now, you have got into  
25 a certain field. Why not clean that up? You  
26 were asking him about the properties.

27 MR. WILSON: I have been going over it  
28 with him year by year. I can do that now,  
29 if you wish, Mr. Commissioner.  
30





New Toronto Street.

Q. What number was that?

It seems to me it would be in 200 block on

Q. Do you remember the purchase price

of that property?

A. It seems to me it was around \$2,500

or \$1,800, somewhere around that for the place

or land.

Q. Now is that right?

A. Yes, sir.

MR. WILSON: Q. I have now looked at the

title on the Sixth Street and I see that the

purchase price there was \$2,500. You say

price in 1948, as you said? I noticed the

is on the 10th of May, 1949.

A. It is that is what is said. I thought

it was a little more than \$2,500. It was

MR. WILSON: Q. What did you --

THE COMMISSIONER: Now, you have not into

a certain thing. Why not clear that up? You

MR. WILSON: I have been going over it

with him year by year. I can do that now.

Q. Now what, Mr. Commissioner?



1 THE COMMISSIONER: Yes, clean it up now.  
2 That would be preferable, I think.

3 MR. WILSON: Q. What other properties  
4 did you acquire personally or acquire with  
5 others from 1948 to the present date? You  
6 have given us two.

7 A. There was a store in New Toronto  
8 that we owned jointly, 1280 Lakeshore Road.

9 Q. Can you tell us what year that  
10 was acquired?

11 A. No, I cannot truthfully tell you  
12 that. I would only be guessing as to the  
13 dates on that.

14 Q. Was that a partnership acquisition?

15 A. Yes, we all put in our portions  
16 to make up the three-way ownership.

17 Q. That was with Ryan and McDermott?

18 A. Yes, sir.

19 THE COMMISSIONER: What kind of store  
20 was it?

21 A. I think ---

22 Q. What kind of business was carried  
23 on?

24 A. There was a cigar store there and  
25 there was a fish business in there and ---

26 Q. Well, did the three of you operate  
27 the cigar store there or did you let it out  
28 to a tenant?

29 A. We let it out to a tenant.

30 Q. Who was the tenant?



THE COMMISSIONER: Yes, clear it up now.

That would be preferable, I think.

Q. Now, when you acquired the property...

did you acquire personally or acquire with...

others from 1915 to the present date? You...

have given us two.

A. There was a store in New Toronto...

that we owned jointly, 1230 Lakeshore Road.

Q. And you sold it to the other party...

was acquired...

A. Yes, I think it was acquired...

that. I would only be guessing as to the...

time it was...

Q. Was there a partnership acquisition?

A. Yes, we all had an interest...

to make up the three-way ownership.

Q. That was with Ryan and McKeown?

A. Yes, sir.

THE COMMISSIONER: What kind of store...

was it?

A. I think it was a...

Q. Why did it change the name?

only...

A. There was a other store there and...

there was a fish business in there and...

Q. Well, did the three of you operate...

the other store there or did you let it go?

to a tenant?

A. We let it go to a tenant.

Q. Now, the property...





1 A. Mr. Turner.

2 MR. WILSON: I will have other evidence  
3 on this, Mr. Commissioner, but by reference to  
4 my file on that property, it was purchased  
5 by a deed dated April 6th, 1954, and the  
6 consideration was \$25,500, and the moneys  
7 paid in cash were \$10,500, and there was a  
8 mortgage given back of \$15,000. The  
9 mortgagors, in fact the purchasers, were  
10 the three persons named by the witness.

11 Q. Now then, what other property  
12 interest did you acquire from 1948 to the  
13 present date?

14 A. That is in reference to joint  
15 ownership; is that what you mean?

16 A. Well, either joint ownership or  
17 by yourself?

18 THE COMMISSIONER: Well, take the three  
19 of you together, what other properties did  
20 you acquire?

21 A. There was a house in Etobicoke  
22 on Smithfield Drive.

23 MR. WILSON: Q. What is the number on  
24 Smithfield Drive?

25 A. No. 9.

26 MR. WILSON: The deed of that property  
27 was dated August 24, 1951, Instrument No. 106461  
28 for Etobicoke. The consideration was  
29 \$10,000 in cash.

30 Q. What kind of a property was that?



A. Mr. Wilson.

Q. Will you please state...

on this, Mr. Commissioner, by reference to

in this in the...

by a deed dated April 10th, 1936, and the

consideration was \$25,000, and the mortgage

will be paid from the...

...

...

the three persons named by the witness.

Q. Now, what was the...

...

...

A. That is in reference to joint

ownership; is that what you mean?

A. Well, I think that...

...

THE COMMISSIONER: Well, take the three

of you together, what other properties do

you hold?

A. There was a house in Escondido

on San Carlos Drive.

Q. Will you please state...

...

...

MR. WILSON: The deed on this property

...

for Escondido. The consideration was

\$10,000 in cash.

Q. What kind of a property was this?





1 A. ? This was a house.

2 Q. A residence?

3 A. Yes, sir.

4 Q. Who was the occupant of that property  
5 after you purchased it, after the three of you  
6 purchased it? Was it Downs?

7 A. Yes, sir.

8 Q. What is Downs' first name?

9 A. David.

10 Q. David Downs, what connection did  
11 he have with any of your operations?

12 A. What connection?

13 Q. Didn't he work for you at the  
14 Jordan Club?

15 A. He worked at the Jordan Club but  
16 he didn't work for me at the Jordan Club.

17 Q. Well, we will deal with the  
18 Jordan Club later. That is where he worked.  
19 Any other properties that the three of you  
20 acquired?

21 A. Not that I can think of, sir.

22 Q. What about 91 Wellesley Street in  
23 the City of Toronto in 1957?

24 A. Yes, I purchased that in '57.

25 THE COMMISSIONER: Q. You alone?

26 A. No, McDermott and I.

27 MR. WILSON: Q. That was just McDermott  
28 and yourself. Ryan wasn't a party to that?

29 A. That's right, sir.

30 THE COMMISSIONER: What is the address,





A. Yes, sir.

Q. What was the name of the property?

A. Yes, sir.

Q. Who was the owner of that property?

A. After you purchased it, after the time of you

Q. What was the name of the property?

A. Yes, sir.

Q. What is the name of the property?

A. Yes, sir.

Q. David Brown, what connection did

he have with any of your operations?

A. Yes, sir.

Q. Didn't he work for you at the

Jordan Club?

A. He worked at the Jordan Club but

he didn't work for me at the Jordan Club.

Q. Well, we will deal with the

Jordan Club later. What is where he worked?

A. Any other properties that the three of you

Q. Yes, sir.

A. Not that I can think of, sir.

Q. What was the name of the property?

A. The City of Toronto in 1957?

A. Yes, I purchased that in '57.

Q. What was the name of the property?

A. Yes, sir.

Q. What was the name of the property?

A. Yes, sir.

Q. That's right, sir.

A. Yes, sir.



1 Mr. Wilson?

2 MR. WILSON: 41 Wellesley Street.

3 THE COMMISSIONER: What date?

4 MR. WILSON: The transaction was closed  
5 on March 30th, 1957.

6 THE COMMISSIONER: Q. Do you agree with  
7 that, Mr. Feeley?

8 A. In and about those years somewhere.  
9 I couldn't swear to it, to the exact date.

10 MR. WILSON: Q. That property, I was  
11 going into the particulars of it later, was  
12 acquired for how much?

13 A. The total purchase price, Mr.  
14 Wilson?

15 Q. Yes.

16 A. It seems to me it would be around,  
17 somewhere in around \$75,000 or \$80,000.

18 Q. I think it was \$81,500?

19 A. That could very well be, sir.

20 Q. And \$25,000 was paid in cash and  
21 there were two mortgages?

22 A. There may have been.

23 Q. Now, that property was acquired  
24 by McDermott and yourself in the name of  
25 John Pleschuk?

26 A. I don't just remember the details.  
27 If you say it was, then I would agree with  
28 you.

29 Q. Well, that is the name on the  
30 deed?



Mr. Wilson?

Mr. Wilson: In relation to that.

THE COMMISSIONER: What date?

Mr. Wilson: The investigation was closed.

on March 30th, 1937.

THE COMMISSIONER: O. Do you agree with

that, Mr. Wilson?

A. In all cases where there is a

I couldn't agree to it, to the exact date.

Mr. Wilson: I am assuming, I am

looking into the particulars of it later, and

assuming the same.

A. The only thing I can say, Mr.

Commissioner,

is, Mr.

A. It seems to me it would be around,

somewhere in around \$25,000 or \$30,000.

Q. I think it was \$21,000?

A. That could very well be, sir.

Q. And \$25,000 was paid in cash and

and the balance was

A. There may have been.

Q. Now, that property was registered

by Hester and yourself in the name of

John Hester?

A. I don't just remember the details.

If you say it was, then I would agree with

you.

Q. Well, that is the name on the

record?





1 A. That would probably be correct,  
2 sir.

3 Q. Then later John Fleschuk conveyed  
4 it to Hugh Russell Locke, who is a partner  
5 of David Humphrey?

6 A. Yes, I believe Mr. Humphrey and  
7 Locke are partners.

8 THE COMMISSIONER: Q. It was conveyed  
9 to Locke?

10 A. I believe so.

11 MR. WILSON: Q. He was merely holding  
12 it as a trustee for McDermott and yourself?

13 A. That would be correct, sir.

14 Q. Then later on you sold that  
15 property for how much?

16 A. It would be somewhere in the  
17 neighbourhood of \$125,000 or \$115,000 or  
18 somewhere around there.

19 Q. I think it was \$120,000 and I  
20 think the sale was on January 17th, 1959,  
21 and on that sale you got \$50,000 cash and  
22 the balance was covered by a \$70,000 mortgage  
23 at six and a half per cent?

24 A. I believe that is probably  
25 right, sir.

26 THE COMMISSIONER: To whom?

27 MR. WILSON: That was sold ---

28 THE COMMISSIONER: No, no, a mortgage  
29 to whom? A mortgage back?

30 MR. WILSON: A mortgage back.



A. That would probably be correct, sir.

Q. Then later John Fleming conveyed it to Hugh Russell Brown, who is a partner of David Humphrey?

A. Yes, I believe Mr. Humphrey and

THE COMMISSIONER: It was conveyed to

A. I believe so.

MR. WILSON: It was conveyed to

A. That would be correct, sir.

Q. Then later on you said that property for how much?

A. It would be somewhere in the neighborhood of \$125,000 or \$150,000 or something like that.

Q. I think it was \$150,000 and I think the rate was on January 1st, 1900, and of that rate you got \$50,000 cash and the balance was covered by a \$70,000 mortgage at six and a half per cent?

A. I believe that is probably

THE COMMISSIONER: To whom?

MR. WILSON: That was paid --

THE COMMISSIONER: It was a mortgage

A mortgage was

MR. WILSON: A mortgage was



1 THE COMMISSIONER: Q. By the time you  
2 sold it had you paid off all the indebtedness  
3 against it?

4 A. No.

5 MR. WILSON: The purchaser was Temal  
6 Investments Limited, and the mortgage for  
7 \$70,000 that I mentioned was given back by  
8 Temal Investments Limited to Hugh Russell  
9 Locke, Trustee.

10 THE COMMISSIONER: Was there just a  
11 first mortgage by that time?

12 MR. WILSON: It appears that way, Mr.  
13 Commissioner. The other mortgages had  
14 been discharged in the interim.

15 THE COMMISSIONER: Q. It appears now  
16 from the record that you had paid off those  
17 other mortgages by the time you sold it to  
18 Temal Investments?

19 A. I don't recall, sir. I didn't  
20 think so.

21  
22 (Page 9718 follows)  
23  
24  
25  
26  
27  
28  
29  
30



could it not you put off all the investigations

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MR. WILSON: The publisher was to call.

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\$70,000 that I mentioned was given back by

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THE COMMISSION: Now there is

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from the record that you had paid off those

other mortgages by the time you sold it to

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B/17NG

1 MR. WILSON: Q. Now, Mr. Locke, I take  
2 it, was acting throughout both in the period  
3 that you held the property and at the time of  
4 the sale of the property for McDermott and  
5 yourself?

6 A. That would be correct, sir.

7 THE COMMISSIONER: Q. Did Pleschuk put  
8 up any of the purchase price?

9 A. No, sir.

10 Q. Why was it taken in his name?

11 A. I don't know that I can remember  
12 the reason now, sir. It just escapes my mind.

13 MR. MacKINNON: I can't hear the witness.

14 THE COMMISSIONER: Speak up so counsel  
15 can hear you. I was asking why it was taken  
16 in Pleschuk's name when he didn't put up any  
17 of the purchase price.

18 THE WITNESS: I don't know that I can  
19 remember the reason right now, sir. I don't  
20 seem - I don't know why it was done that way.

21 THE COMMISSIONER: Q. Who was John  
22 Pleschuk?

23 A. He was a chap I have known all  
24 my life, living at New Toronto.

25 Q. What did he do?

26 A. I believe he is a bartender now.

27 Q. What did he do at the time you  
28 purchased this property at 91 Wellesley Street?

29 A. That was in what year, sir?

30 Q. 1957, March.



100

MR. WILSON: Q. Now, Mr. Justice, I take

it, was acting throughout both in the period  
that you held the property and at the time of  
the sale of the property for McBurnett and

Justice

A. That would be correct, sir.

THE COMMISSIONER: Q. Now, Mr. Justice, did

up any of the purchase price?

A. No, sir.

Q. Why was it taken in his name?

A. I don't know why I was told

the reason now, sir. It just escapes my mind.

THE COMMISSIONER: I don't want you to

THE COMMISSIONER: Speak up so I can

can hear you. I was asking why it was taken

in Phoebe's name when he didn't put up any

of the purchase price.

THE WITNESS: I don't know that I can

of the reason right now, sir. I don't

seen - I don't know why it was done that way.

THE COMMISSIONER: Q. Now, Mr. Justice, did

Justice

A. He was a chap I have known all

my life, living at New Toronto.

Q. What did he do?

A. I believe he is a bartender now.

Q. What did he do at the time you

procured this property at 91 Wellesley Street?

A. That was in what year, sir?

Q. 1927, March.





1 A. I believe he was a bookmaker in  
2 those days, sir.

3 Q. Operating from where?

4 A. From New Toronto.

5 Q. Where in New Toronto?

6 A. Sixth Street. It would be 132  
7 Sixth Street.

8 Q. Who owned that property at that  
9 time?

10 A. Myself, McDermott and Ryan.

11 MR. WILSON: Q. Now at this time ---

12 THE COMMISSIONER: Q. Did you lease 132  
13 Sixth Street to Pleschuk?

14 A. No, it was on a rental basis.

15 Q. Coming back to my original  
16 question, what explanation do you have for  
17 putting the title to Wellesley Street property  
18 in Pleschuk's name?

19 A. I don't just recall, sir, what  
20 the idea of that was.

21 Q. You don't recall?

22 A. I don't think there was anything  
23 devious about it at all.

24 Q. Mr. Wilson, how long did it remain  
25 in Pleschuk's name?

26 MR. WILSON: It remained ---

27 THE COMMISSIONER: He conveyed it to  
28 Locke when?

29 MR. WILSON: I think it remained in the  
30 name of Pleschuk from April, 1957 until the 24th



A. I believe he was a bookmaker in

Q. Operating from where?

Q. Where in New Toronto?

A. Sixth Street. It would be 132

A. ...

A. Kitchell, McNamee and Ryan.

MR. WILSON: ...

THE COMMISSIONER: Q. Did you leave 132

...

A. No, it was on a rental basis.

Q. Coming back to my original

question, what explanation do you have for

...

...

A. I don't just recall, sir, what

the idea of that was.

Q. You don't recall?

A. I don't think there was anything

...

Q. Mr. Wilson, how long did it remain

...

MR. WILSON: It remained ---

THE COMMISSIONER: He conveyed it to

MR. WILSON: I think it remained in the

...





1 of May, 1957 when it was conveyed by John Pleschuk  
2 to Hugh Russell Locke by instrument No. 10324EP.

3 THE COMMISSIONER: Q. I am curious to  
4 know why it was put in his name in the  
5 beginning.

6 A. It just escapes my memory.

7 Q. Can't you throw any light on it?

8 A. No, but if it comes to me, I will  
9 bring it to your attention.

10 MR. WILSON: Q. Finally, after you  
11 acquired this property at 91 Wellesley in April,  
12 1957 ---

13 THE COMMISSIONER: March, you said.

14 MR. WILSON: Did I say March? I have  
15 all these deeds. I don't want to clutter up  
16 the record.

17 THE COMMISSIONER: That is all right,  
18 either March or April. I suppose nothing  
19 turns on the exact date.

20 MR. WILSON: Q. I think I said -- the  
21 deed bears date the 1st of April, 1957. It was  
22 registered on the 30th of April. Following  
23 acquisition of that property, a bank account  
24 was opened in the Canadian Bank of Commerce  
25 on May 2nd, 1957 in the name of Lipton Apartments,  
26 ~~xxx~~ care of John Feeley, 2 College Street,  
27 Toronto.

28 THE COMMISSIONER: The bank account was  
29 opened where? In what bank?

30 MR. WILSON: It is in the Bank of Commerce





of May, 1937 when it was conveyed by John F. ...

THE COMMISSIONER: G. I am ...

know why it was put in his name in the

beginning.

A. It just appears my name.

G. Can't you throw any light on it?

A. No, but it it comes to me, I will

bring it to your attention.

MR. WILSON: G. Finally, when you

acquired this property at 91 Wellfleet in April,

1937 ---

THE COMMISSIONER: Match, you said.

MR. WILSON: Did I say Match? I have

all these deeds. I don't want to clutter up

the record.

THE COMMISSIONER: That is all right,

either March or April. I suppose nothing

turns on the exact date.

MR. WILSON: G. I think I said -- the

deed bears date the 1st of April, 1937. It was

registered on the 30th of April. Following

acquisition of that property, a bank account

was opened in the Canadian Bank of Commerce

on May 2nd, 1937 in the name of John F. ...

John F. ... 2 College Street,

...

THE COMMISSIONER: The bank account was

opened where? In what bank?

MR. WILSON: It is in the Bank of Commerce



1 at 1353 Yonge and College Branch, Toronto.

2 It is in fact the Yonge and College Branch.

3 THE COMMISSIONER: In the name of whom?

4 MR. WILSON: In the name of Lipton  
5 Apartments.

6 THE COMMISSIONER: Care of ---

7 MR. WILSON: Care of John Feeley, 2 College  
8 Street, Toronto.

9 Q. And then on the form there is a  
10 column, "Complete List of Partners or Officers".  
11 It says: "Partners, Vincent B. Feeley, sole  
12 owner". And then under the column, "Authorized  
13 to Sign all Clauses" appears the name "Vincent  
14 B. Feeley and/or John Feeley". Who is John  
15 Feeley? Is that yourself?

16 A. No, sir, that is my brother.

17 Q. That is your brother. Now is  
18 the statement that was given to the bank when  
19 you opened this account for Lipton Apartments  
20 that you were the sole owner correct or incorrect?

21 A. I would say it was incorrect, sir.

22 Q. Why did you advise the bank that  
23 you were the sole owner if, in fact, McDermott  
24 had an interest in it?

25 A. I didn't advise the bank, sir.  
26 I believe you will find my brother was the  
27 managing agent and looked after the rents there  
28 and he opened the account. Possibly he could  
29 have given that information. I don't recall  
30 having anything to do with the bank.



at 1238 Yonge and College Branch, Toronto.  
It is in fact the Yonge and College Branch.  
THE COMMISSIONER: In the name of what  
MR. WILSON: In the name of Lupton

THE COMMISSIONER: Care of ---  
MR. WILSON: Care of John Feeley, 2 College

Q. And then on the form there is a  
column, "Complete List of Partners or Officers".  
Is that correct? Wilson: Yes, that is correct.  
Q. And then under the column, "Authorized  
to Sign all Checks" appears the name "Vincent  
B. Feeley and/or John Feeley". Who is John  
Feeley? Is that yourself?

A. No, sir, that is my brother.  
Q. That's your brother. Now is  
the statement that you signed on the form  
you opened this account for Lupton Apartments  
that you were the sole owner correct or incorrect?  
A. I would say it was incorrect, sir.  
Q. Why did you advise the bank that  
you were the sole owner if, in fact, Hebermatt  
had an interest in it?

A. I don't recall the name, sir.  
I believe you will find my brother was the  
managing agent and looked after the rents there  
and he opened the account. Possibly he could  
have given that information. I don't recall  
having anything to do with the bank.





see you

1 Q. Well, I did sign certain forms  
2 for the bank in respect of this Lipton Apartments  
3 account.

4 A. Can I have a look at it?

5 Q. Yes. I have photostats of them.  
6 If you turn over the pages, you will see a  
7 photostat of a document that you signed in  
8 connection with this account or more than one.

9 A. Yes, that is my signature, Mr.  
10 Wilson.

11 Q. Now, do I understand you to say  
12 your brother John Feeley was managing this  
13 apartment on behalf of McDermott and yourself?

14 A. I don't know whether I ever dis-  
15 cussed with my brother John whether McDermott was  
16 a partner. He was managing the apartment  
17 as a management company, as a realty company,  
18 no more than that.

19 Q. And did he make--give you statements  
20 from time to time about the operations after  
21 April, 1957? And up until the time you sold  
22 this property in 1959?

23 A. Yes. I don't know just how often  
24 they were but I got reports from time to time  
25 from him on the way things were going at the  
26 apartment.

27 Q. And I take it that during this  
28 two-year period approximately the apartments  
29 were rented and revenue was coming in?

30 A. That would be correct.

see you

Well, I'll be right there

The first one is a copy of the 11th of January

recounts.

A. Can I have a look at it?

Q. Yes. I have photocasts of them.

If you turn over the pages, you will see a

statement of a doctor that you were in

hospital with this ailment in your hand.

A. Yes, that is an ailment, it is.

Q.

Q. Now, do I understand you to say

that before this time you were not

aware of the fact of the ailment?

A. I don't know whether I even dis-

covered with my brother, John, whether McDonald was

a partner. He was managing the apartment

at a restaurant, and a really good one.

no more than that.

Q. And did he make--give you statements

that you were the owner of the restaurant?

A. Yes, 1957? And up until the time you sold

the restaurant in 1957?

A. Yes. I don't know just how often

they were but I got reports from time to time

from him on the way things were going at the

restaurant.

Q. And I take it that during this

period you were not aware of the fact that

the restaurant was coming in

A. That would be correct.





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Q. That would be right?

A. Yes, sir.

Q. How many apartments were there in that property?

A. Well, there again I would have to just guess. It was probably around 14 or 15, somewhere in around the teens.

Q. What were the average rents of these apartments during this two-year period?

A. There again I would have to guess but maybe it averaged out to -- I don't know, it may have been \$50, it may have been \$60 on an average. I would only be guessing.

Q. Well, what was your gross revenue a year in that two-year period? Just approximately?

A. Well, if I could have a pencil and paper, I could probably figure it out for you. But I have no -- if that is the case ---

THE COMMISSIONER: That is just a matter of arithmetic. You would have to guess the number of apartments and the average rent and he is just guessing as to both.

THE WITNESS: That is right, sir.

MR. WILSON: Q. I take it you have the statements your brother John gave you?

A. Yes, I believe they are available somewhere.

Q. You can produce them and we won't

B/2





Q. You can produce them and we won't

A. Yes, I believe they are available

statements your brother John gave you?

MR. WINSTON: Q. I take it you have the

THE WITNESS: That is right, sir.

he is just guessing as to both.

number of apartments and the average rent and

of arithmetic. You would have to guess the

THE COMMISSIONER: That is just a matter

and I have no -- if that is the case --

proper, I could probably figure it out for you.

A. Well, if I could have a pencil and

approximately

4 years in the past --

Q. Well, what was your gross revenue

on an average? I would only be guessing.

it was about \$100,000. It was about \$100,000

but maybe it averaged out to -- I don't know.

A. There again I would have to guess

these apartments during this two-year period?

Q. What were the average rents of

approximately \$100,000 and \$100,000.

that guess. It was probably around 14 or 15.

A. Well, there again I would have to

that property?

Q. How many apartments were there in

A. Yes, sir.

Q. The whole lot?



1 have to speculate about what you got in the  
2 way of revenue.

3 A. I believe it is all in the file,  
4 sir.

5 MR. ROSE: It is a little difficult for  
6 the witness to produce anything at the moment  
7 as he is in custody.

8 MR. WILSON: We are going to have the  
9 problem of production now?

10 MR. ROSE: If you let him out of custody  
11 so he can go and get them. He doesn't enjoy  
12 being in custody.

13 MR. WILSON: By the way, Mr. Commissioner,  
14 you might ask Mr. Rose ---

15 Q. Has the witness got copies of  
16 his income tax returns with him this morning?

17 A. No, I believe they are downtown  
18 in Mr. Rose's office.

19 MR. WILSON: Mr. Commissioner, would  
20 you ask Mr. Rose to send for those immediately?  
21 I want to deal with them later this morning.

22 THE COMMISSIONER: Yes. Will you get  
23 those now, Mr. Rose?

24 MR. ROSE: Are you sure they are in my  
25 office?

26 THE WITNESS: I believe my briefcase was  
27 left in your office a week or so ago.

28 MR. ROSE: At the adjournment I will call  
29 the office, Mr. Commissioner.

30 THE COMMISSIONER: Q. They were in your



have to speculate about what you got in the way of revenue.

A. I believe it is all in the file.

Q.

MR. ROSEN: It is a little difficult for the witness to produce anything at the moment as he is in custody.

MR. WILSON: We are going to have the

produce the witnesses.

MR. ROSEN: He has not been in custody.

so he can go and get them. He doesn't enjoy

being in custody.

MR. WILSON: By the way, Mr. Commissioner,

you might want to know —

Q. Has the witness got copies of

his income tax returns with him this morning?

A. No, I believe they are down

in Mr. Rosen's office.

MR. WILSON: Mr. Commissioner, would

you ask Mr. Rosen to send for those immediately?

I want to deal with them later this morning.

THE COMMISSIONER: Yes. Will you get

those now, Mr. Rosen?

MR. ROSEN: Are you sure they are in my

office?

THE WITNESS: I believe my wife's case was

lost in your office a week or so ago.

MR. ROSEN: As an acknowledgment I will call

the office, Mr. Commissioner.

THE COMMISSIONER: O. They were in your





1       briefcase, were they?

2       A.       Yes, sir.

3       MR. WILSON: Q. Now what -- did you  
4       acquire an interest in a property known as  
5       the westerly part of Lot 7, Concession 5, in  
6       Bertie Township, in the County of Welland?

7       A.       What year is this, sir?

8       THE COMMISSIONER: Any time.

9       A.       I am trying to pinpoint --

10       MR. MacKINNON: I can't hear the witness,  
11       sir.

12       MR. WILSON: Maybe I can help the witness.

13       THE COMMISSIONER: Q. Was there more  
14       than one?

15       A.       Property?

16       Q.       In Bertie Township that you  
17       acquired?

18       A.       No, no, I don't think ---

19       Q.       There was only one?

20       A.       Yes.

21       Q.       Then did you acquire one property  
22       in Bertie Township?

23       A.       Yes, I did.

24       Q.       Alone or together with someone else?

25       A.       No, that would be with McDermott.

26       Q.       Where in Bertie Township?

27       A.       Well, if it is the one I am  
28       thinking about ---

29       Q.       You only bought one over there.  
30       It must be the one you are thinking about.



Q. Now what -- did you acquire an interest in a property known as the western part of Lot 7, Concession 2, in Bertie Township, in the County of Welland?

A. What year is this, sir?

Q. 1881.

A. I am sorry to forget --

Q. Mr. MacLennan: I can't hear the witness, sir.

Q. Mr. Wilson: Maybe I can help the witness.

Q. THE COMMISSIONER: Q. Was there more than one?

A. Yes.

Q. In Bertie Township that you mentioned?

A. Yes, sir, I don't think --

Q. There was only one?

A. Yes.

Q. Then did you acquire one property in Bertie Township?

A. Yes, I did.

Q. Alone or together with someone else?

A. No, that would be with McDermott.

Q. Where in Bertie Township?

A. Well, it is the one I am thinking of --

Q. You only bought one over there.

Q. It must be the one you are thinking about.





1 A. That is what I was going to say.  
2 The one I am thinking about is on the Queen  
3 Elizabeth Way. Is that the one you are  
4 referring to?

5 MR. WILSON: Q. The one I am thinking of  
6 is the purchase you made in 1956, on October  
7 30th, 1956, the purchase from Felix J. Borelli  
8 and wife, the westerly part of Lot 7, Concession  
9 5, Bertie Township, for \$10,000 and \$5,000  
10 was paid in cash and a mortgage was given to  
11 Borelli and his wife for \$5,000.

12 A. That could have been, sir.

13 THE COMMISSIONER: Q. Is that the one  
14 you are thinking of?

15 A. That is the one I am thinking of.

16 Q. What date was that?

17 MR. WILSON: That was on October 30th, 1956.

18 THE COMMISSIONER: Q. Is that about  
19 right?

20 A. I would be only guessing. If  
21 that is what it says on the document, that  
22 would probably be correct.

23 MR. WILSON: Q. Did you subsequently  
24 pay off the \$5,000 mortgage?

25 A. I am only guessing about that but I  
26 would assume that it was probably paid off  
27 because I resold the property, as I recall the  
28 incident.

29 Q. What did you acquire the property  
30 for?





A. That is what I was going to say.

The one I am thinking about is on the Green

Michigan way. Is that the one you are

referring to?

MR. WILSON: Q. The one I am thinking of

is the purchase you made in 1935, on October

22nd, 1935, for \$10,000 and \$5,000

and wife, the westerly part of Lot 7, Concession

5, Bertha Township, for \$10,000 and \$5,000

was paid in cash and a mortgage was given to

Correll and his wife for \$5,000.

A. That is correct.

THE COMMISSIONER: Q. Is that the one

you are thinking of?

A. That is the one I am thinking of.

MR. WILSON: That was on October 30th, 1935.

THE COMMISSIONER: Q. Is that about

A. I would be only guessing. It

seems to me it says on the document, that

would probably be correct.

MR. WILSON: Q. Did you subsequently

pay off the \$5,000 mortgage?

A. I am only guessing about that part.

would assume that it was probably paid off.

because I recall the property, as I recall the

Q. What did you acquire the property



1 THE COMMISSIONER: Q. What kind of  
2 property was it to begin with?

3 A. It was vacant land.

4 MR. WILSON: Q. It was vacant land.  
5 Why did you purchase it?

6 A. As an investment.

7 THE COMMISSIONER: Q. When did you sell  
8 it?

9 MR. WILSON: He sold it ---

10 Q. Do you recall when you sold it?

11 A. I have no idea.

12 Q. I understand, Mr. Commissioner, it  
13 was sold on December 18th, 1956, to one Michael  
14 Machij.

15 THE COMMISSIONER: Q. Did you sell it  
16 to Michael Machij?

17 A. There again I don't recall the  
18 name but the chances are that could have been  
19 the purchaser.

20 MR. WILSON: Q. Do you recall the sale  
21 price?

22 A. No, I don't recall.

23 THE COMMISSIONER: Suggest what it was.

24 MR. WILSON: At the moment it isn't before  
25 me.

26 THE WITNESS: It seems to me it would be --  
27 it seems to me I didn't make any money on it. I  
28 may have made a little but I don't recall the  
29 figure.

30 THE COMMISSIONER: In whose name was that



THE COMMISSIONER: Q. What kind of

A. It was vacant land.

MR. WILSON: Q. It was vacant land.

Q. Did you purchase it?

A. Yes, I did.

THE COMMISSIONER: Q. When did you sell

MR. WILSON: He sold it ---

Q. Do you recall when you sold it?

A. I have no idea.

was sold on December 1st, 1950, to one Michael

Mason.

THE COMMISSIONER: Q. Did you sell it

to Michael Mason?

A. There again I don't recall the

name of the person who bought it.

Q. Did you?

MR. WILSON: Q. Do you recall the name

price?

A. No, I don't recall.

THE COMMISSIONER: What was it was.

MR. WILSON: At the moment it isn't before

THE WITNESS: It seems to me it would be --

it seems like I didn't make any money on it. I

may have made a little but I don't recall the

figure.

THE COMMISSIONER: In whose name was it





1 taken?

2 MR. WILSON: That was taken in the name  
3 of this man Michael Machij. The purchase was  
4 taken in the name of Vincent B. Feeley.

5 THE COMMISSIONER: Q. But McDermott  
6 was a partner with you in that?

7 A. That is right.

8 MR. WILSON: Q. How far was that  
9 property that you purchased in October, 1956,  
10 from one we know as the Frontier Club, the  
11 Frontier Veterans Club?

12 A. 1956 - offhand, I couldn't really  
13 say. It seems to me it would be a few miles.  
14 Just how many I would ---

15 Q. Well, who interested you in buying  
16 this property in October, 1956?

17 A. Who interested me?

18 Q. Yes. Who suggested you buy it?

19 A. Is this from Borelli?

20 Q. That is right, from Borelli.

21 THE COMMISSIONER: Q. Let us be clear.  
22 There was no other property over in Bertie  
23 Township that you either alone or with McDermott  
24 bought, as I understand it, at any time?

25 A. That would be correct.

26 Q. Then we are talking about this  
27 particular piece. Mr. Wilson asked you who  
28 suggested to you that you buy it.

29 A. I don't know whether Borelli told  
30 me he had a piece of property and whether -- I



valued?

MR. WILSON: That was taken in the name

of this man Michael Macaulay. The purchase was

taken in the name of Vincent B. Peckey.

THE COMMISSIONER: G. Macaulay

was a partner with you in this?

A. That is right.

MR. WILSON: G. How far was that

property that you purchased in October, 1966?

THE COMMISSIONER: G. That was the property that

you purchased in October, 1966?

A. Yes, that is correct.

THE COMMISSIONER: G. It seems to me it would be a ten-mile

line how many I would ---

G. Well, who interested you in buying

this property in October, 1966?

A. That is correct.

G. Yes, who suggested you buy it?

A. Is this from Borelli?

G. That is right, from Borelli.

THE COMMISSIONER: G. Let us be clear.

There was no other property over in Borelli

Township that you either alone or with Macaulay

bought, as I understand it, at any time?

A. That would be correct.

G. Then we are talking about this

particular place. Mr. Wilson asked you who

suggested to you that you buy it.

A. I don't know who that Borelli told

me he had a piece of property and Macaulay -- I





1 suppose that is where it came from.

2 MR. WILSON: Q. How long had you known  
3 Borelli prior to October, 1956?

4 A. Oh, of 1956 -- probably ten or  
5 fifteen years.

6 Q. What was his line of business?

7 A. Well, he used to have some kind  
8 of business. He owns a tourist home in  
9 Niagara Falls.

10 Q. Was he a gambler like yourself?

11 A. Yes, he used to go to the race-  
12 track and gamble considerable.

13 THE COMMISSIONER: Q. Did he operate a  
14 gaming or betting house over there?

15 A. I don't know whether he was book-  
16 making at that time, sir. I couldn't swear  
17 to that. He was a gambler.

18 MR. WILSON: Q. What?

19 A. He bet on horses.

20 Q. You recall the evidence here of  
21 Mr. Humphrey about Mr. Borelli being the person  
22 who briefed him on the approach to be made to  
23 the council in the Township of Bertie about  
24 the operations of the Frontier Veterans Club?

25 A. I read that in the newspapers.

26 Q. Humphrey on that trip was going  
27 over there as a representative of McDermott  
28 and yourself, wasn't he?

29 A. No, I wouldn't say he was, sir.

30 THE COMMISSIONER: Q. Who was he





suppose that is where it came from.

MR. WILSON: Q. How long had you known

him?

A. About a year or so.

Q. What was his line of business?

A. Well, he used to have some kind

of business. He owns a tourist home in

the city.

Q. Was he a gambler?

A. Yes, he used to go to the race-

track and gamble considerably.

THE COURT: Q. Did he operate a

gambling or betting house over there?

A. I don't know.

Q. Making at that time, sir, I couldn't swear

to that. He was a gambler.

MR. WILSON: Q. What?

A. He bet on horses.

Q. You recall the evidence here of

Mr. Humphrey about Mr. Borelli being the person

who bribed him on the approach to be made to

the council in the Township of Berne about

the operations of the Frontier Veterinary Clinic?

A. I read that in the newspapers.

Q. Humphrey on that trip was going

over there as a representative of McGinnis

and yourself, wasn't he?

A. No, I wouldn't say he was, sir.



1 representing?

2 A. Who was Mr. Humphrey representing?

3 Q. Yes.

4 A. He would be representing Borelli.

5 He wouldn't be representing me.

6 Q. Representing Borelli with respect  
7 to what?

8 A. I don't know what Mr. Wilson has  
9 in mind.

10 Q. What did you have in mind when  
11 you said he would be representing Borelli?

12 A. He asked me ---

13 Q. Never mind what he asked you. What  
14 did you have in mind when you said Humphrey  
15 wouldn't be representing you but would be  
16 representing Borelli?

17 A. I am only going by the evidence  
18 Mr. Humphrey gave in the newspapers or wherever  
19 I read it.

20 MR. WILSON: At page 3546, which is  
21 Volume 17 ---

22 THE COMMISSIONER: Page?

23 MR. WILSON: Page -- starting at page  
24 3545. This is about a trip that Mr. Humphrey  
25 made to Bertie Township. At page 3546 he met  
26 with Borelli and Ginsey.

27 Q. Now, who was Ginsey?

28 A. Sam Hersch.

29 Q. What?

30 A. Sam Hersch.



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Q. Now, did you see Mr. Wilson at the time he was in the hospital?

A. Yes.

Q. He would be representing himself?

A. Yes.

Q. What did you have in mind when you said he would be representing himself?

A. I don't know what Mr. Wilson has in mind.

Q. What did you have in mind when you said he would be representing himself?

A. He asked me --

Q. Never mind what he asked you. What did you have in mind when you said "He would be representing himself"?

A. I am not sure of the answer.

Q. Mr. Humphrey gave in the newspaper or wherever I saw it.

A. Mr. Wilson; at page 354, which is --

Q. Mr. Wilson; page -- starting at page --

A. This is a copy of the newspaper made to Route 10, which is at page 354. He had --

Q. What?

A. Sam Wilson.





1 Q. Sam Hersch. Did Sam Hersch work  
2 for you or McDermott or both of you?

3 A. When was this, sir?

4 THE COMMISSIONER: Any time.

5 THE WITNESS: Sam Hersch worked for me  
6 last winter.

7 MR. WILSON: Q. Had he worked for you or  
8 for McDermott prior to that time?

9 A. No, not that I recall, sir.

10 THE COMMISSIONER: Last winter. You mean  
11 1961 or the winter of 1961-62 or what?

12 A. That would be correct.

13 Q. What was he doing for you?

14 A. He was a card dealer.

15 Q. A card dealer where?

16 A. In the Bahamas.

17 Q. Where in the Bahamas?

18 A. A place they call Cat Island.

19 MR. WILSON: Q. Isn't it a fact that  
20 Hersch worked as a dealer for you at the  
21 Veterans Club at Cooksville for three years?

22 A. Hersch? I don't know that you  
23 would say he worked as a -- he had a piece .  
24 He used to take a percentage of my percentage  
25 on various occasions and he would work, yes.

26 Q. So that would extend over a period  
27 of three years out at Cooksville approximately,  
28 wouldn't it?

29 A. I would only be guessing ---

30 Q. What he got out of the ---



WFO

Vol. 10, No. 1

Q. Now, did you work for the Government?

A. Yes, I worked for the Government for a number of years.

Q. When was that, sir?

A. From 1918 to 1922.

Q. Now, did you work for the Government?

A. Yes, I worked for the Government.

Q. Now, did you work for the Government?

A. Yes, I worked for the Government.

Q. Now, did you work for the Government?

A. Yes, I worked for the Government.

Q. Now, did you work for the Government?

A. Yes, I worked for the Government.

Q. Now, did you work for the Government?

A. Yes, I worked for the Government.

Q. Now, did you work for the Government?

A. Yes, I worked for the Government.

Q. Now, did you work for the Government?

A. Yes, I worked for the Government.

Q. Now, did you work for the Government?

A. Yes, I worked for the Government.

Q. Now, did you work for the Government?

A. Yes, I worked for the Government.

Q. Now, did you work for the Government?

A. Yes, I worked for the Government.

Q. Now, did you work for the Government?

A. Yes, I worked for the Government.

Q. Now, did you work for the Government?

A. Yes, I worked for the Government.

Q. Now, did you work for the Government?

A. Yes, I worked for the Government.





1 THE COMMISSIONER: Let him finish.

2 THE WITNESS: I would only be guessing  
3 about the time.

4 THE COMMISSIONER: Q. Well, make an  
5 educated guess.

6 A. It may have been two, it may  
7 have been three years, sir.

8 Q. What years would that be?

9 A. Well, there again I couldn't pin-  
10 point it, sir.

11 Q. To the best of your ability.

12 MR. WILSON: So that ---

13 THE COMMISSIONER: Just a moment.

14 THE WITNESS: Oh.

15 THE COMMISSIONER: Q. Was he working  
16 there at the time the Club was closed up?

17 A. I don't believe he was, sir.

18 Q. How long had he been away from  
19 there at the time the club was closed up?

20 A. Maybe a year or two years.

21 Q. He worked continuously then for  
22 you for two or three years as a dealer, being  
23 paid, as you say, a percentage of your percentage?

24 A. That is right.

25 Q. And what was your percentage?

26 A. Well, it varied, sir. It  
27 fluctuated from night to night and time to time.

28 Q. I see. Then his earnings would  
29 fluctuate?

30 A. That is correct, sir. Yes, Mr. Wilson?





THE COMMISSIONER: Now, sir, please

THE WITNESS: I would like to know

about the case.

THE COMMISSIONER: Well, sir, what

do you know?

A. It may have been two, it may

have been three years, sir.

Q. What year would that be?

A. Well, there again I couldn't pin-

point it, sir.

Q. To the best of your ability.

THE COMMISSIONER: All right.

THE COMMISSIONER: Just a moment.

THE WITNESS: Yes.

THE COMMISSIONER: Q. Was he working

there at the time the club was closed up?

A. I don't believe he was, sir.

Q. How long has he been there?

There at the time the club was closed up?

A. Since a year or two, sir.

Q. He worked continuously there for

you told us or three years as a dealer, using

paid, as you say, a percentage of your purchases?

A. That is right.

Q. And that was your percentage?

A. Well, it varies, sir.

THE COMMISSIONER: Now, sir, please

Q. I see. Then his earnings would

A. That is correct, sir. Yes, sir.



1 MR. WILSON: Q. Coming back to this  
2 trip Mr. Humphrey says he made and he says he  
3 made it at the suggestion of Mr. McDermott,  
4 who set up the appointment? Did you have  
5 anything to do with that or any knowledge of it?

6 A. I just lost you for a minute.  
7 We were talking about -- what are we talking  
8 about?

9 THE COMMISSIONER: About Humphrey's visit  
10 to Bertie Township.

11 MR. WILSON: To see Chief Johnson, the  
12 Chief of Police of Bertie Township.

13 THE WITNESS: Yes.

14 MR. WILSON: Q. To make representations  
15 about what was said by Humphrey to have been  
16 discrimination or unfair treatment of the  
17 Frontier Veterans Club. Now, I am asking  
18 you whether or not in so doing, he was doing  
19 that on behalf of both McDermott and yourself.

20 A. No, sir.

21 Q. Did you have knowledge of it?

22 A. Of his trip?

23 Q. Yes.

24 A. I would think somewhere along the  
25 line I probably had knowledge of it.

26 THE COMMISSIONER: Q. I suppose you left  
27 some things to McDermott and McDermott left  
28 some things to you to look after?

29 A. Well, I don't know just what  
30 you are inferring.



Q. Now, did you see him?

A. Yes, I saw him.

Q. Did he make any suggestion to you?

A. Yes, he did.

Q. What was the suggestion?

A. He suggested that I should go to the office of the Chief of Police.

Q. Did you go to the office of the Chief of Police?

A. Yes, I did.

Q. What time did you go?

A. I went there at about 10 o'clock.

Q. Who was there?

A. The Chief of Police and a man named Johnson.

Q. What did they say to you?

A. They asked me if I had any more information.

Q. Did you give them any more information?

A. No, I did not.

Q. Why not?

A. Because I was not sure of the facts.

Q. Did you see Johnson again?

A. Yes, I did.

Q. Where did you see him?

A. I saw him at the office of the Chief of Police.

Q. Did he say anything to you?

A. Yes, he did.

Q. What did he say?

A. He said that I should go to the office of the Chief of Police.

Q. Did you go to the office of the Chief of Police?

A. Yes, I did.

Q. What time did you go?

A. I went there at about 10 o'clock.

Q. Who was there?





1 Q. Was it just a sort of loose  
2 arrangement between you?

3 A. Yes.

4 Q. He would do some things on behalf  
5 of yourselves and you would do some things on  
6 behalf of the two of you?

7 A. He wasn't my father and I wasn't  
8 his. Whatever he done ---

9 Q. Whatever he did you approved;  
10 whatever you did he approved; a sort of loose  
11 arrangement between you. Is that right?

12 A. Well ---

13 Q. Speak up. Have I put that fairly  
14 to you?

15 A. I don't quite understand you, sir.  
16 Are you referring to this Mr. Humphrey's trip  
17 when ---

18 Q. I am referring to the joint  
19 operations that you and McDermott carried on.  
20 You didn't have any cut and dried arrangement  
21 that he would do certain things and you would  
22 do certain things from day to day. He would  
23 do certain things and that was okay for you  
24 and you do certain things and that was okay  
25 by him. Is that about the way you operated?

26 A. You might say that.

27 Q. Is that putting it fairly? I  
28 don't want to put ---

29 A. Well, I would only guess if  
30 something came up we probably discussed something



Q. Was it just a sort of loose

A. Yes.

Q. He would do some things on behalf

of yourselves and you would do some things on

behalf of the two of you?

A. He wasn't my father and I wasn't

his. Whatever he done ---

Q. Whatever he did you approved?

Whatever you did he approved; a sort of loose

arrangement between you. Is that right?

A. Well ---

Q. Speak up. Have I put that fairly

to you?

A. I don't quite understand you, sir.

Are you referring to this Mr. Humphrey's trip

Q. I am referring to the joint

operations that you and Hetherington carried on.

You didn't have any cut and dried arrangement

that he would do certain things and you would

do certain things from day to day. He would

do certain things and that was okay for you

and you do certain things and that was okay

by him. Is that about the way you operated?

A. You might say that.

Q. Is that putting it fairly?

A. Well, I would only guess it

something came up we probably discussed something





1 and made a decision.

2 Q. This visit of Humphrey to the  
3 Chief Constable in Bertie Township, was it on  
4 a matter that McDermott did on behalf of the  
5 two of you?

6 A. I don't know what Mr. Humphrey  
7 said here. I couldn't remember what Mr. Humphrey -  
8 what is it you want to find out from me,  
9 Mr. Wilson?

10 MR. WILSON: Q. I thought I had made  
11 it clear. I wanted to know what knowledge  
12 you had of Mr. Humphrey's trip over there to  
13 make representations in respect of that club.

14 A. I believe I just finished telling  
15 you I was aware. I don't know when it was,  
16 before his trip or after his trip.

17 Q. I will come back to the position  
18 of this witness with relation to that club  
19 later. Possibly if I stick to the acquisitions  
20 for the moment.

21 THE COMMISSIONER: All right.

22 MR. WILSON: Q. One other reference in  
23 Mr. Humphrey's evidence I would like to bring to  
24 your attention. It is in Volume 18 at page  
25 3786 and there he is asked this question:

26 "Q. Now, were you also told

27 "by Mr. McDermott that he was

28 "looking for a new location for

29 "this Frontier Club?

30 "A. No, but I knew that McDermott





and made a decision.

Q. This visit of Humphrey to the

Chief Constable in Hertie Township, was it on

a matter that McDermott had on behalf of the

...

...

said here. I couldn't remember when Mr. Humphrey -

what is it you want to find out from me,

Mr. Wilson?

MR. WILSON: Q. I thought I had made

it clear. I wanted to know what knowledge

you had of Mr. Humphrey's trip over there to

make representations in respect of that club.

A. I believe I just finished telling

you I was aware. I don't know when it was.

...

Q. I will come back to the position

of this witness with relation to that club

later. Possibly it is back to the admissions

...

THE COMMISSIONER: All right.

MR. WILSON: Q. One other reference in

Mr. Humphrey's evidence I would like to bring to

your attention. It is in Volume 12 at page

370 and there he is asked this question:

Q. Now, were you also told

"by Mr. McDermott that he was

"looking for a new location for

"the Water Club?"

A. No, but I knew that McDermott



1 "and Borelli were looking for a  
2 "piece of property in that area  
3 "there."

4 THE COMMISSIONER: What page is that?

5 MR. WILSON: Page 3786.

6 Q. Now, did you have knowledge of  
7 the fact that McDermott and Borelli were looking  
8 for a piece of property in the area? That  
9 is, in Bertie Township.

10 A. What year is this, Mr. Wilson?

11 Q. Any time, any time.

12 A. Well, the only property or the  
13 only knowledge I recall with Borelli is this  
14 piece of property I bought off Borelli.

15 Q. The question I put to you was  
16 whether or not you had knowledge, as Humphrey  
17 said he had knowledge, that McDermott and  
18 Borelli were looking for a piece of property  
19 in the Township of Bertie.

20 A. No, I couldn't swear one way or  
21 the other on that. I don't know what was  
22 going on with Mr. Humphrey.

23 Q. When Borelli bought this property  
24 that he subsequently sold to you in October,  
25 1956, had he bought it for McDermott and  
26 yourself as trustee?

27 A. No, sir.

28 Q. You say he bought that on his own?

29 A. Yes, sir.

30 Q. Now a moment ago in speaking of



THE COMMISSIONER: What page is that?

THE WITNESS: Page 17.

Q. Now, did you have knowledge of

the fact that McDermott and Borelli were looking

for a place to occupy in the town of

is, in Bertie Township.

A. What year is this, Mr. Wilson?

Q. Now, what year is this?

A. Well, the only property on the

only knowledge I recall with Borelli is this

piece of property I bought off Borelli.

Q. The question I put to you was

whether or not you had knowledge, as I suppose

said he had knowledge, that McDermott and

Borelli were looking for a piece of property

in the Township of Bertie.

A. No, I couldn't swear one way or

the other on that. I don't know what was

going on with Mr. Hargrave.

Q. Now, Borelli bought this property

that he subsequently sold to you in October,

1935, had he bought it for McDermott and

A. Yes, sir.

Q. You say he bought this on his own?

A. Yes, sir.

Q. Now a moment ago in speaking of





1       Ginsey or Hersch, as you say his name is,  
2       you mentioned the Cat Island Club.   Where is  
3       the Cat Island Club?

4       THE COMMISSIONER:   He didn't mention the  
5       club, he said Gat Island.

6       MR. WILSON:   Q.   On Cat Island?

7       A.       Yes, sir.

8       Q.       What was there?

9       A.       Pardon?

10      Q.       What was it there he worked at?  
11      What was the name of it?

12      A.       Cat Cay Club.

13      Q.       That was located where?

14      A.       In the Bahamas, sir.

15      Q.       What part of the Bahamas?

16      A.       It would be one of the western  
17      islands, western in the Bahamas.

18      Q.       Well, it is between North Bimini  
19      and South Bimini, isn't it?

20      A.       No, no, it is not, sir, not that  
21      I recall.   It would be south of North and  
22      South Bimini.

23      Q.       And what kind of an operation  
24      was this?   What kind of club was it?

25      A.       Oh, it is an old established club  
26      that has been there -- it is a fishing club.

27      Q.       You say Hersch was there as a dealer?

28      A.       Well, he had a percentage too  
29      as a dealer and worked.

30      THE COMMISSIONER:   Q.   Who operated that



Q. Now, you say that he was a  
 you mentioned the Gas Island Club. Where is

the Gas Island Club?

THE COMMISSIONER: He didn't mention the

club, he said Gas Island.

MR. WILSON: Q. On Gas Island?

A. Yes, sir.

Q. What was there?

A. Barren?

Q. What was it there he worked at?

What was the name of it?

A. Gas Island.

Q. What was located there?

A. In the Bahamas, sir.

Q. What part of the Bahamas?

A. It would be one of the western

islands, western in the Bahamas.

Q. Well, it is between North Bimini

and South Bimini, isn't it?

A. No, no, it is not, sir, not that

I recall. It would be south of North and

South Bimini.

Q. And what kind of an operation

was this? What kind of club was it?

A. Oh, it is an old established club

that has been there -- it is a fishing club.

Q. You say Herach was there as a dealer?

A. Well, he had a percentage too

as a dealer and worked.

THE COMMISSIONER: Q. Who operated that





1 club?

2 MR. WILSON: You anticipated my question.

3 THE WITNESS: Myself and McDermott  
4 acquired that.

5 MR. WILSON: Q. How long did McDermott  
6 and yourself operate the Cat Cay Club?

7 A. This was my first season.

8 Q. What was your first season?  
9 What year?

10 A. The season of -- well, it would  
11 be 1962.

12 Q. Well, when did you first move in  
13 there and actually operate it?

14 THE COMMISSIONER: Q. Before or after  
15 Christmas?

16 A. The starting of the year, the  
17 beginning of the New Year.

18 MR. WILSON:

19 Q. And did you buy the actual property  
20 or just ---

21 A. No.

22 Q. -- the right to operate the club?

23 A. I just had the concession.

24 Q. You just had the concession. Who  
25 owned the property?

26 A. It is owned by a Bahamanian company.  
27 I believe it is Waisey International or  
28 something like that. It is owned by -- they  
29 call it the Cat Cay Club. They are an  
30 incorporated company.

Q. Did McDermott and yourself have any





climb

Mr. Wilson: You anticipated my question.

THE WITNESS: Myself and Henderson

arrived there.

Mr. Wilson: O. How long did Henderson

and yourself go with him to the place?

A. This was my first season.

Q. What was your first season?

What year?

A. The season of 1907, 1908.

Q. 1908.

Q. Well, when did you first move in

and when did you leave?

THE COMMISSIONER: O. Before or after

Christmas?

A. The spring of the year, 1908.

Q. Did you pay the actual property

tax?

Q. Yes.

A. Yes.

Q. -- the right to operate the club?

A. I just had the concession.

Q. You just had the concession. Who

owned the property?

A. It is owned by a Canadian company.

I believe it is Watney International or

something like that. It is owned by -- they

call it the Gat Club. They are an

international company.

Q. All right, and you have been



1 other persons interested in this operation or  
2 concession, as you call it?

3 A. You mean people who wanted to  
4 play?

5 Q. No, they were --

6 THE COMMISSIONER: People who wanted to  
7 get the profits.

8 MR. WILSON: Q. People who had a share  
9 of the operation, a percentage of the operation?

10 A. No.

11 Q. Just McDermott and yourself?

12 A. That is right.

13 Q. How much did you pay for the  
14 concession?

15 A. It was a percentage basis. It  
16 was a fifty-fifty basis on whatever I made  
17 there.

18 THE COMMISSIONER: Q. Fifty per cent  
19 to you and McDermott and fifty per cent to  
20 this incorporated company?

21 A. That is right, sir.

22 MR. WILSON: Q. That would be fifty  
23 per cent of the net, I take it?

24 A. That is right, sir.

25 THE COMMISSIONER: Q. And Hersch worked  
26 for you and McDermott?

27 A. That is right, sir.

28 Q. Who else worked for you and  
29 McDermott down there?

30 A. There was a chap by the name of



other persons interested in this operation on

A. You mean people who wanted to

play

THE COMMISSIONER: People who wanted to

get the profits.

MR. WILSON: Q. People who had a share

of the operation, a percentage of the operation?

Q. Just McDermott and yourself?

A. That's right.

Q. How much did you pay for the

A. It was a percentage basis. It

was a fifty-fifty basis on whatever I made

there.

THE COMMISSIONER: Q. Fifty per cent

to you and McDermott and fifty per cent to

A. That is right, sir.

MR. WILSON: Q. That would be fifty

percent of the net, I take it?

A. That is right, sir.

THE COMMISSIONER: Q. The net is

the gross and McDermott's

A. That is right, sir.

Q. Who also worked for you and

A. There was a chap by the name of





1 Dodds.

2 MR. WILSON: Q. That is Clarence Dodds?

3 A. That is right, sir.

4 THE COMMISSIONER: Q. And who else?

5 A. And Pickett.

6 MR. WILSON: Q. What is his first name?

7 A. Fred.

8 Q. Fred Pickett. What about Dominic

9 Corado? Did he have an interest in it or

10 did he work in the operation?

11 A. No, sir.

12 Q. No?

13 A. No, sir.

14 Q. Did he ever attend there?

15 THE COMMISSIONER: Q. Do you know him?

16 A. Not while I was there. You ask

17 me one question and Mr. Wilson asks me a

18 different one. I can't answer two questions

19 at once.

20 THE COMMISSIONER: Q. Mr. Wilson won't

21 mind if you answer my question. Do you

22 know Dominic Corada?

23 A. Yes, I do.

24 Q. How long have you known him?

25 A. Oh, I would say -- I don't know

26 just how long it would be. I would only be

27 guessing.

28 Q. Well, make an educated guess.

29 A. I met him the year I went away

30 hunting to Moosonee.



MR. WILSON: Q. What is Clarence Dugan?

A. He is a man.

THE COMMISSIONER: Q. And who else?

A. And Pickett.

MR. WILSON: Q. What is his first name?

A. John.

Q. And Pickett, what about Pickett?

Q. Did he have an interest in it or

did he work in the operation?

A. No, sir.

Q. No?

A. Yes, sir.

Q. Did he ever stand there?

THE COMMISSIONER: Q. Do you know him?

A. Not while I was there. You ask

me one question and Mr. Wilson asks me a

different one. I can't answer two questions

at once.

THE COMMISSIONER: Q. All right, what

name if you answer my question. Do you

know him?

A. Yes, sir.

Q. How long have you known him?

A. Oh, I would say -- I don't know

just how long it would be. I would only be

guessing.

Q. Well, make an educated guess.

A. I met him the year I went away

heading to Monroe.



1 MR. MACKINNON: I can't hear the witness.

2 THE COMMISSIONER: I asked him when he  
3 went on this hunting trip to Moosonee and the  
4 witness suggested I know when that was.

5 MR. WILSON: We will come to that too.

6 THE COMMISSIONER: Q. Was there some  
7 association between either you or McDermott  
8 with Corado in connection with this Cat Cay  
9 Club?

10 A. I don't know just what you mean,  
11 sir.

12 Q. Was there any association? Had  
13 he any interest in it?

14 A. None whatsoever.

15 Q. No interest whatsoever? Was he  
16 there at any time?

17 A. Not while I was there, sir. I  
18 don't know whether he was to the club years  
19 ago. I have no idea of that.

20 Q. I see. All right.

21 MR. WILSON: Q. What do you know of  
22 Corado's reputation and his activities over  
23 recent years? Is he a gambler?

24 A. I couldn't tell you that, sir.  
25 Not to my knowledge.

26 Q. Do you know where he comes from?

27 A. Yes.

28 Q. Where?

29 A. I believe he lives somewhere in  
30 around Detroit.





THE COMMISSIONER: I asked him when he  
went on this hunting trip to Moosehide and the  
witness suggested I know when that was.  
MR. WILSON: He will come to that.  
THE COMMISSIONER: Now, you have some  
association between either you or McDonald  
with Canada in connection with this Cat  
Club?  
A: I don't know just what you mean.  
Q: Was there any association? Had  
no any interest in it?  
A: No.  
Q: No interest whatsoever? Was he  
there at any time?  
A: Not while I was there, sir. I  
don't know whether he was to the club years  
ago. I have no idea of that.  
Q: I see. All right.  
MR. WILSON: Q: What do you know of  
Canada's reputation and his activities over  
recent years? Is he a gambler?  
A: I couldn't tell you that, sir.  
Not to my knowledge.  
Q: Do you know where he comes from?  
A: Yes.  
Q: Where?  
A: I believe he lives somewhere in



1 Q. You say you have no idea of  
2 whether he has been mixed up in gambling  
3 activities in that area?

4 A. No, I have no personal knowledge  
5 of that at all.

6 THE COMMISSIONER: Q. You will be going  
7 into that, but I suggest you are at the moment  
8 enquiring as to who had an interest in the Cat  
9 Cay Club. You swear that only you and  
10 McDermott ran it?

11 A. That is correct, sir.

12 Q. And that Dodds and Pickett worked  
13 for you and were paid a percentage of your net  
14 earnings?

15 A. That is right, sir.

16 MR. WILSON: Q. I think Hersch is on  
17 that list, too?

18 A. That is right, sir.

19  
20  
21 (Page 9743 follows)  
22  
23  
24  
25  
26  
27  
28  
29  
30



Q. You say you have no idea of

whether he has been mixed up in gambling

business in that town

A. No, I have no personal knowledge

of that at all.

THE COMMISSIONER: Q. You will be going

into that, and I suggest you are at the moment

concentrating as to who has an interest in the case

and that. You swear that only you and

no one else

A. That is correct, sir.

Q. And that is all the facts you know

for you and have paid percentage of your net

earnings

A. That is right, sir.

MR. WILSON: Q. I think Harbo is on

that list, too?

A. That is right, sir.

(The witness follows)





C/FAL/1

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MR. WILSON: Q. Now, did you and McDermott, or either of you, have any other property or concession in the Bahamas or Jamaica?

A. When are you referring to, Mr. Wilson?

THE COMMISSIONER: At any time?

MR. WILSON: Q. On any kind of property?

THE COMMISSIONER: Q. At any time?

A. No, I had no other concessions in the Bahamas.

MR. WILSON: Q. No other concessions. Did you or McDermott have any other property?

A. What is that you are referring to, real estate property?

Q. Real estate, yes.

A. No, never did.

Q. I see the Cat Cay Club is called Cat Cay Limited, with an address of Box 1191, Miami, Florida. Is that your operation?

A. No, that is the club's operation.

Q. That is the club's operation. Is that a Canadian corporation?

A. Not to my own knowledge, sir.

Q. Rather an odd way to describe an American corporation. Did you or McDermott, or either of you, attempt to buy other property in the Bahamas?

A. Attempt to buy other property?

Q. Yes.

THE COMMISSIONER: Q. Do not repeat the



Q. Now, did you see anything?

A. Yes, I saw a man in a suit and tie.

Q. What time was that?

A. When we were returning to the house.

Q. Did you see anything else?

A. Yes, I saw a man in a suit and tie.

Q. On any kind of property?

A. Yes, I saw a man in a suit and tie.

Q. What time was that?

A. When we were returning to the house.

Q. Did you see anything else?

A. Yes, I saw a man in a suit and tie.

Q. What time was that?

A. When we were returning to the house.

Q. Did you see anything else?

A. Yes, I saw a man in a suit and tie.

Q. What time was that?

A. When we were returning to the house.

Q. Did you see anything else?

A. Yes, I saw a man in a suit and tie.

Q. What time was that?

A. When we were returning to the house.

Q. Did you see anything else?

A. Yes, I saw a man in a suit and tie.

Q. What time was that?

A. When we were returning to the house.

Q. Did you see anything else?

A. Yes, I saw a man in a suit and tie.

Q. What time was that?

A. When we were returning to the house.





1 question.

2 A. Well, I do not know what Mr. Wilson  
3 means sometimes.

4 MR. WILSON: Q. Did you have discussions  
5 with anybody with the prospect of buying  
6 property?

7 A. I looked at all kinds of property  
8 out at Bimini, but just looked. Shopped.

9 Q. Did you negotiate there through  
10 a Mr. Christie?

11 A. I know the Honourable Sir Harold  
12 Christie, yes, sir.

13 Q. The answer is yes, I take it?

14 A. Pardon?

15 Q. The answer is you did negotiate  
16 through Mr. Christie?

17 A. To do what, sir?

18 Q. To buy or acquire property?

19 A. I enquired from the Honourable  
20 Harold Christie about some property he had  
21 at Bimini, yes, sir.

22 Q. What had you in mind if you had  
23 acquired property in the Bahamas?

24 A. There is no difficulty about  
25 acquiring property, there's lots of  
26 property.

27 Q. What use did you have for it if  
28 you did acquire?

29 A. That is quite a while ago. That  
30 would be difficult for me to answer. I don't





question.

A. Well, I do not know what Mr. Wilson

was thinking.

MR. WILSON: O. Did you have discussion

with anybody with the prospect of buying

property?

A. I cannot say that I did not.

out at night, but just looked. Shipped.

B. But you did not buy property?

MR. WILSON:

A. I would not say that I did not.

included you, sir.

B. The answer is yes, I am not?

A. Pardon?

B. The answer is you did negotiate

with Mr. Wilson?

A. Yes, sir.

B. To buy or acquire property?

A. I enquired from the Honorable

Harold Christie about some property he had

at night, sir.

B. What had you in mind if you had

acquired property in the morning?

A. There is no difficulty about

acquiring property, there is not.

negative.

B. What use did you have for it?

you did acquire?

A. That is quite a while ago. That

would be difficult for me to answer. I don't



1 know what specific use these discussions --  
2 To me they were casual discussions. Mr. Christie  
3 owns half of North and South Bimini. I don't  
4 know that I was very serious at that time.

5 THE COMMISSIONER: Q. Did you have  
6 in mind the place you subsequently carried  
7 on, the Cat Cay Club?

8 A. I may have, but I would be only  
9 guessing if I had it in mind at that particular  
10 time or not.

11 Q. All right.

12 MR. WILSON: Q. Now, you had an  
13 interest in a property in the Township of  
14 Bentinck. Mr. Carty says it is Bentinck.  
15 It is spelled B-e-n-t-i-n-c-k.

16 THE COMMISSIONER: Where is that?

17 MR. WILSON: It is the County of Grey.

18 A. I don't recall.

19 Q. I will recall to your memory  
20 this acquisition by instrument No. 34018,  
21 dated the 7th March, 1960, Wallace Riley  
22 conveyed to Hugh Russell Locke, Lots Nos. 21  
23 and 22 in Concession 13 of the Township of  
24 Bentinck, for \$15,000. Now, in that  
25 acquisition was Mr. Locke acting for McDermott  
26 and yourself?

27 A. Yes.

28 Q. Was he acting for anybody else  
29 but McDermott and yourself?

30 A. It seems to me that Riggs and



— and then shortly after that time.

To me they were casual acquaintances. Mr. Gortalski

owns half of North and South Highways. I don't

know that I was very nervous at that time.

Q. Now, you say that you were in the

in mind the place you subsequently carried

on, the Gay Club?

A. I may have, but I would be only

guessing if I had it in mind at that particular

time or not.

Q. All right.

MR. WINSON: Q. Now, you had an

interest in a property in the Township of

Benning. Mr. Gortalski says he is Benning.

It is spelled B-e-n-n-i-g.

THE COMMISSIONER: Where is that?

MR. WINSON: It is the County of Gray.

Q. I don't know.

Q. I will recall to your memory

this recollection by instrument No. 24018,

dated the 7th March, 1900, Wallace H. H.

conveyed to Hugh Russell Locke, Nora H. H.

and 22 to Concession 23 of the Township of

Benning, for \$25,000. Now, is that

correct?

and yourself?

A. Yes.

Q. Was he acting for anybody else

at McDonnell and yourself?

A. It seems to me that he was





1 Midgely would be interested in that, also.

2 Q. That would be Jack Riggs and  
3 Ernie Midgely -- Is it "Ernie" Midgely?

4 A. That is right.

5 Q. They would be interested, along  
6 with McDermott and yourself, in buying this  
7 property?

8 A. That is right, sir.

9 Q. And what was the respective interests  
10 of the four of you in this purchase?

11 A. Well, as I recall that, Mr.  
12 Riley was short of money and he wanted to buy  
13 some capital and we bought the farm off him.

14 THE COMMISSIONER: Q. Was it a farm?

15 A. Yes, sir.

16 Q. How many acres?

17 A. I couldn't tell you, sir.

18 MR. WILSON: Q. 200 acres?

19 A. Is that what it says?

20 THE COMMISSIONER: A hundred here or there  
21 doesnot make much difference.

22 Q. In the County of Grey. Where in  
23 the County of Grey?

24 A. I couldn't tell you, sir. I never  
25 seen the farm.

26 Q. You never saw it?

27 A. No.

28 MR. WILSON: Q. Who was Mr. Riley? Why  
29 were you buying Mr. Riley's farm, because he  
30 needed some money?



Q. Now, what is the name of the man who was with you at the time of the shooting?

A. That would be Jack Riley and

some others -- is that right?

A. That is right.

Q. They would be interested, along

with McDermott and yourself, in buying this

property?

A. That is right, sir.

Q. And what was the responsive information

of the form of you in this purchase?

A. Well, as I recall that, Mr.

Riley was short of money and he wanted to buy

some capital and we bought the farm off him.

Q. Now, the purchase of the farm was a

cash transaction?

A. Yes, sir.

Q. I understand that you, Mr.

McDermott, and the others, were

interested in the purchase of the

THE COMMISSIONER: A number of people

do not make much difference.

Q. In the County of Grey, where in

the County of Grey?

A. I couldn't tell you, sir. I never

heard the name.

Q. You never saw it?

A. No.

Q. Now, Mr. Wilson, who was Mr. Wilson?

Q. Now, Mr. Wilson, who was Mr. Wilson?

Q. Now, Mr. Wilson, who was Mr. Wilson?





1           A.       Mr. Riley used to come to the club  
2 at Cooksville and gamble.

3           THE COMMISSIONER: Q. Pardon?

4           A.       I knew him from coming to the club  
5 at Cooksville.

6           MR. WILSON: Q. Did any money change  
7 hands? Did you, in fact, pay \$15,000 to  
8 Wallace Riley, or was he discharging a  
9 gambling debt?

10          A.       No, no. He -- I can't tell  
11 you the exact circumstances of it but, as I  
12 recall it, and it's -- I am only guessing,  
13 that he used to gamble considerable in the  
14 grain market and at the race tracks, and he  
15 borrowed cash money off us over a period  
16 of time.

17          THE COMMISSIONER: Q. How much?

18          A.       Well, there, again, I would only  
19 beguessing.

20          Q.       Well, make a guess.

21          A.       Maybe five or six thousand dollars.  
22 So that, as I recall, the blance would be paid  
23 to him in cash, whatever is -- He was  
24 supposed to have gotten a mortgage, or  
25 something or other, which it didn't materialize.

26          Q.       Did he borrow this all in one  
27 lump sum or was the five or six thousand  
28 dollars made up of a number of borrowings?

29          A.       No, as I recall it, it would  
30 be in bits and pieces, so to speak.





A. Mr. Wiley used to come to the club  
at Coonville and gamble.

A. I knew him from coming to the club  
at Coonville.

MR. WILSON: Q. Did any money change  
hands? Did you, in fact, pay \$15,000 to  
him?

A. No, no. He -- I can't tell  
you the exact circumstances of it but, as I  
recall it, and it's -- I am only guessing,  
that he used to gamble considerable in the  
grain market and at the race tracks, and he  
retired from that and he was a  
of time.

THE COMMISSIONER: Q. How much?  
A. Well, there, again, I would only

A. Maybe five or six thousand dollars.  
No, that, as I recall, the chance would be paid  
to him in cash, whatever it -- He was  
supposed to have gotten a mortgage, or

Q. Did he borrow this all in one  
lump sum or was the five or six thousand  
dollars made up of a number of borrowings?  
A. No, as I recall it, it was  
as in one and piece, as to speak.



1 Q. Over how long a period of time?

2 A. I am only guessing, sir; it may be  
3 three months, it may be six months.

4 Q. And during that three months or  
5 six months was he gambling out at the Centre  
6 Road Club?

7 A. I couldn't swear to that because  
8 he was the type of chap you might see once  
9 every three or four weeks or a month, or  
10 something like that, and I don't know  
11 whether he was gambling at that specific  
12 time or not.

13 Q. These bits and pieces you speak  
14 about, was each bit a debt he owed to the  
15 club? Was he borrowing money to pay his  
16 debt to the club?

17 A. Oh, no. It would be cash money.

18 Q. To pay some other creditor?

19 A. I would think so, to buy some  
20 more cattle or to pay a stockbroker, and  
21 so on.

22 Q. I see. All right.

23 MR. WILSON: Q. I am not clear as to  
24 the respective interests of Midgely, Riggs,  
25 McDermott and yourself in these transactions.  
26 What percentage did you each have of it?

27 A. I just forget that.

28 Q. Well, would it be the same  
29 percentage you had in the operations at the  
30 Centre Road Club?



Q. Now, did you ever see him at the center?

A. I am only guessing, sir; it may be

three months, it may be six months.

Q. And you are not sure of the date?

A. Six months was he gambling one at the center

road camp?

A. I cannot say, sir.

Q. Now, did you ever see him at the center

every three or four weeks or a month, or

something like that, and I don't know

whether he was gambling at that specific

time or not.

Q. These bets and places you speak

about, was there a debt owed to the

center, was there a debt owed to the

center, was there a debt owed to the

center, was there a debt owed to the

Q. To pay some other creditor?

A. I would think so, to pay some

more credit or to pay a subscription, and

so on.

Q. Now, did you ever see him at the center

A. I am not sure, sir.

Q. The respective interests of the center, right?

Respect and payment in these transactions.

What percentage did you each have of it?

A. I just forget that.

Q. Well, would it be the same

percentage you had in the operations of the

center, would it be?





c/2

1 A. No. It seems to me that this would  
2 be in -- And I am only guessing here, again,  
3 now. It seems to me this would be some kind  
4 of an equal interest, say a four-way interest.

5 Q. Yes. Then, on the 11th November,  
6 1960, --

7 THE COMMISSIONER: Excuse me, Mr. Wilson,  
8 if you do not mind.

9 Q. Did he borrow it from the four  
10 of you?

11 A. No, I wouldn't think he would  
12 have borrowed from all four of us. I would  
13 think maybe one of us could have lent him  
14 and -- I don't think he got money from  
15 all four of us at the same time.

16 Q. How much did you lend him?

17 A. Whatever the figure was, whether  
18 it was 4500, 4400, whatever my portion, the  
19 quarter of that would be.

20 MR. WILSON: Q. Well, 3750 would be  
21 a quarter, I take it?

22 A. Yes, I would think so.

23 Q. You are not suggesting each one  
24 of you had loaned this man Riley an even sum  
25 of \$3,750?

26 A. No, I didn't suggest that at all.

27 Q. Part of it was debts he owed to  
28 the club, wasn't it, the Centre Road Club?

29 A. No, I didn't say that, Mr. Wilson.

30 THE COMMISSIONER: Q. No, but you are



A. No. It seems to me that this would

be in -- And I am only guessing now, again,

now. It seems to me that would be some kind

of an equal interest, say a four-way interest.

Q. Yes. Then, on the 15th November,

THE COMMISSIONER: I am not sure, Mr. Wilson,

if you do not mind.

Q. Did he borrow it from the four

A. No, I wouldn't think he would

have borrowed from all four of us. I would

think maybe one of us could have lent him

all four of us at the same time.

Q. How much did you lend him?

it was \$500, \$400, whatever my portion, the

MR. WILSON: Q. Well, \$250 would be

a quarter, I take it?

Q. You are not suggesting each one

of you had loaned this man \$250 and even sum

of \$1,750?

A. No, I didn't suggest that at all.

Q. Part of it was given he owed to

the club, wasn't it, the Central Road Club?

A. No, I didn't say that, Mr. Wilson.

THE COMMISSIONER: Q. No, but you are





1 being asked.

2 A. No, Mr. Wilson told me.

3 Q. Well, I am asking you now.

4 A. No. I said this man got that  
5 money in cash. What he done with the cash --  
6 I don't know what he done with the cash.

7 Q. He got it in cash. Did he get  
8 the same amount from you as he got from  
9 McDermott and Midgely and Riggs?

10 A. There, again, it would be the  
11 arrangement between the four of us and he  
12 wouldn't necessarily have got the money off  
13 me, specifically. He may have got it off  
14 Midgely or he may have got it off Riggs.  
15 I don't recall the details of the  
16 arrangement. I am trying to explain the  
17 details. Whatever money he did get, we  
18 would all put in proportions to equalize it.  
19 I don't know what money he got from me,  
20 and whatever money he got it would be  
21 straightened out with one another.

22 Q. Whoever gave him the money was  
23 representing not only himself but also  
24 McDermott, Midgely and Riggs?

25 A. Yes.

26 Q. Were you four people operating  
27 a loaning business?

28 A. No, I don't think we were  
29 operating a loaning business.

30 Q. I cannot quite understand. Here





being asked.

Q. Well, I am asking you now.

A. No. I told this man you told

money in cash. What he done with the cash --

I don't know what he done with the cash.

Q. He got it in cash. Did he get

A. There, again, it would be the

arrangement between the two of us and he

me, specifically. He may have got it out

I don't recall the details of the

arrangement. I am trying to explain the

detail. Whatever money he did get, we

would all put in proportion to equalize it.

I don't know what money he got from me,

and whatever money he got it would be

shared out with one another.

Q. Whoever gave him the money was

A. Yes.

Q. Were you lost people operation

a losing business?

A. No, I don't think we were

Q. I cannot give answer. Here



1 are the four people altogether they have given  
2 this man Riley, you say, \$4,500?

3 A. I am only guessing, sir.

4 Q. Well, let us say that is the  
5 amount. And there comes a time when matters  
6 are all settled up, the balance is taken, and  
7 it turns out he owes each of you an equal  
8 amount. That is rather odd. I want to  
9 know how that came about? Did you and  
10 McDermott and Riggs and Midgely have some  
11 sort of an account on which you would draw  
12 to loan money to different people?

13 A. No.

14 Q. How did it turn out he owed  
15 exactly the same amount to you as he owed to  
16 McDermott and Riggs and Midgely, that is  
17 what I cannot quite follow?

18 A. Because he wanted to borrow some  
19 money. If he borrowed a thousand dollars, in  
20 all probabilities --

21 Q. Turn around.

22 A. If he borrowed a thousand dollars,  
23 in all probabilities we each put \$250 in for  
24 the \$1,000.

25 Q. That is the explanation you have  
26 given me, as to how it turned out later he  
27 owed the same amount to each of you?

28 A. That is right.

29 Q. All right. Did he give a note  
30 when he borrowed the money?



and the other people together they have given

Q. Well, let us say that in the

amount, and there comes a time when master-

and all settled up, the balance is taken, and

it turns out he owes each of you an equal

amount. That is rather odd. I want to

know how that came about. Did you and

some of an account on which you would own

Q. Now did it turn out he owed

exactly the same amount to you as he owed to

McDonnell and Higgs and Midgley, that is

A. Because he wanted to borrow some

money. If he borrowed a thousand dollars, in

all probabilities --

A. If he borrowed a thousand dollars,

in all probabilities we each owe \$250 in for

Q. That is the explanation you have

given me, as to how it turned out later he

owed the same amount to each of you?

Q. All right. Did he give a note

when he borrowed the money?





1 A. I don't believe so, sir.

2 Q. Was there any record kept of amounts  
3 from time to time?

4 A. I don't know whether I kept a record  
5 or whether I kept it in my head. The chances  
6 are I kept it in my head somewhere.

7 MR. WILSON: Q. It is pretty hard to  
8 follow; speak up.

9 THE COMMISSIONER: He thinks he kept the  
10 figures in his head somewhere.

11 Q. You had no books to show this  
12 transaction?

13 A. No, sir.

14 Q. And you now swear it was not a  
15 gambling debt, a gambling debt owed you or  
16 McDermott or Riggs or Midgely?

17 A. Well, the man did gamble.

18 Q. Yes?

19 A. But I don't know whether he gambled  
20 with the cash, if that is what you mean. I  
21 couldn't swear to that at all.

22 Q. All right.

23 MR. WILSON: Q. Was \$15,000 a proper  
24 purchase price for this property?

25 A. Well, as I recall Mr. Riley, it  
26 was a bargain at \$15,000. It had some big  
27 barns on it and it was valued a year or so  
28 prior to that, as I remember him discussing  
29 the matter, at thirty-five or forty thousand  
30 dollars.



A. I don't believe so, sir.

Q. Was there any record kept of amounts from time to time?

A. I don't know whether I kept a record or whether I kept it in my head. The chances are I kept it in my head somewhere.

MR. WILSON: Q. It is pretty hard to follow; speak up.

THE COMMISSIONER: He thinks he kept the figures in his head somewhere.

Q. And you now swear it was not a

A. Well, the man did gamble.

Q. Yes?

A. But I don't know whether he gambled with the cash, in that is what you mean. I

Q. All right.

MR. WILSON: Q. Now, did you

A. Well, as I recall Mr. Wiley, he was a gambler at \$10,000. It had some big bars on it and it was valued a year or so prior to that, as I remember his describing the matter, as thirty-five or forty thousand





1 Q. By whom?

2 A. Well, it certainly wasn't me. The  
3 incident I am talking about would be by -- I  
4 don't know, somebody he was familiar with.

5 Q. What were you interested in the  
6 operation of this property a year prior to  
7 this purchase?

8 A. I wasn't.

9 Q. You were not. He was not in  
10 debt to you at that time, I take it?

11 A. I couldn't say yes and I couldn't  
12 say no about that, I don't know what you are  
13 referring to, Mr. Wilson.

14 Q. It is just a coincidence somebody  
15 told you the property was worth \$35,000?

16 A. No, no. Perhaps I have not  
17 made myself clear.

18 THE COMMISSIONER: The witness is saying  
19 some time before they took the debt Riley said  
20 it had been valued at \$35,000.

21 A. Yes.

22 Q. And you got it for \$15,000?

23 A. Yes.

24 MR. WILSON: Q. That was on the 7th of  
25 March, 1960. On the 11th November, 1960,  
26 Hugh Russell Locke conveyed that property  
27 to Maryl Lynch and Mary Agnes Murphy, and  
28 the consideration was \$8,000.

29 THE COMMISSIONER: Conveyed it to whom?

30 MR. WILSON: To Maryl Lynch and Mary





Q. By whom?

A. Well, it certainly wasn't me. The

incident I am talking about would be by -- I

don't know, somebody he was familiar with.

Q. What were you interested in the

operation of this property a year prior to

this purchase?

A. I wasn't.

Q. You were not. He was not in

debt to you at that time, I take it?

A. I wouldn't say that. I wouldn't

say no about that, I don't know what you are

referring to, Mr. Wilson.

Q. It is just a statement of fact.

and you the property was worth \$25,000?

A. No, no. Perhaps I have not

made myself clear.

THE COMMISSIONER: The witness is saying

some time before they took the debt they said

it had been valued at \$25,000.

A. Yes.

Q. And you got it for \$12,000?

A. Yes.

MR. WILSON: Q. What was on the fan or

March, 1900. On the 15th November, 1900,

was made a gift of the property to

to Mary Linn and Mary Agnes Linn, and

the consideration was \$2,000.

THE COMMISSIONER: Conveyed in common

MR. WILSON: To Mary Linn and Mary



1 Agnes Murphy. The consideration was \$8,000.

2 Q. Now, why did that transaction  
3 take place at that price?

4 A. Because, apparently, that is all  
5 the farm is worth.

6 Q. First of all, you had been  
7 informed it was worthy thirty, you paid fifteen  
8 for it; and you sold it for eight some six  
9 months later. Now, what are the circumstances  
10 of that sale?

11 A. We wanted to get our money out  
12 of the farm and sold it.

13 Q. Did you instruct Locke to advertise  
14 it?

15 A. I believe I did.

16 Q. You say that is the best price  
17 you could get for the property?

18 A. Well, it must have been, that is  
19 what we sold it for.

20 Q. There was a drop of \$7,000 from  
21 the price you paid for it?

22 A. That is right, sir.

23 Q. So, you took quite a loss in a  
24 very few months, is that right?

25 A. That is right, sir.

26 THE COMMISSIONER: Q. Do you know the  
27 purchasers, Lynch and Murphy?

28 A. I know several Lynches.

29 Q. Do you know these particular  
30 people?



Agnes Murphy. The consideration was \$5,000.

Q. Now, did you ever see the property?

A. Yes, I saw it at that place at that price.

Q. Because, apparently, that is all the time is worth.

A. What of it, you had been

informed it was worth thirty, you paid fifteen

for it; and you sold it for eight more six

months later. Now, what are the circumstances

at that time?

A. The market for the property was

at the time it was sold.

Q. Did you instruct Locke to advertise

it?

A. I believe I did.

Q. You say that is the best price

you could get for the property?

A. Well, I must have been, that is

what we sold it for.

Q. Now, you say that it was sold for

the price you paid for it?

A. Yes, I think so.

Q. Now, you say that it was sold for

the price you paid for it?

A. That is right, sir.

Q. Do you know the

names of the persons who were

interested in the property?

A. I cannot say.

Q. Do you know where the property

was?





1 A. Well, I don't know who these  
2 people are.

3 Q. Maryl Lynch and Mary Agnes Murphy.

4 A. Well, I have never come into  
5 contact with the people who bought the farm.

6 Q. Do you know them?

7 A. I may know them and I may not  
8 know them. I know several Lynches. I don't  
9 know whether these are the same Lynches  
10 or not, sir.

11 MR. WILSON: Q. Do you know William  
12 James Clark?

13 A. I don't recall a William James  
14 Clark. I may know him.

15 THE COMMISSIONER: You brought up the  
16 name; if there is any significance to it  
17 you had better tell him why you have it in  
18 mind.

19 MR. WILSON: Q. Well, he was a sub-  
20 sequent purchaser of this property?

21 A. No, I don't know him. To the  
22 best of my knowledge I don't know him.

23 Q. Now, did you instruct Mr. Locke --  
24 Hugh Russell Locke to carry on some  
25 negotiations for McDermott and yourself  
26 through the Wheel Realty to see if you  
27 could acquire a property in Quebec City  
28 in 1961 -- I am sorry, 1959?

29 A. I gave Mr. -- I had some  
30 discussions with Mr. Locke with regard to



A. Well, I don't know who these

people are.

Q. Mary Lyon and Mary Agnes Harp.

A. Well, I have never come into

contact with the people who bought the farm.

Q. Do you know them?

A. I may know them and I may not

know them. I know several Lyons. I don't

know anyone else who has bought the farm.

Q. Yes, sir.

MR. WILSON: Q. Do you know William

James Glavin?

A. I don't know a William James

Glavin. I may know him.

THE COMMISSIONER: You brought up the

name; if there is any significance to it

you had better tell him why you have it in

mind.

MR. WILSON: Q. Well, he was a sub-

sequent purchaser of this property?

A. No, I don't know him. To the

best of my knowledge I don't know him.

Q. Now, did you instruct Mr. Locke --

Wash Watson to come to camp on some

negotiations for McGettys and yourself

through the Wheel Realty to see if you

could acquire a property in Glades City

in 1901 -- I am sorry, 1902?

A. I gave Mr. -- I had some

discussions with Mr. Locke with regard to





1 some property in Quebec.

2 Q. It was 1,085 Chemin Ste. Foy,  
3 Quebec City, which was the location of the  
4 Cambrai Curling Club. Do you recall that?

5 A. The Cambrai doesn't ring a bell  
6 to me but the property in question that I  
7 am referring to, and this property what you  
8 want me to refer to, is an Army and Navy Unit  
9 in Quebec City.

10 Q. Is that the Army and Navy Unit  
11 located there?

12 A. I am not familiar, Mr. Wilson,  
13 with Quebec so addresses don't mean anything  
14 to me, but it is an Army and Navy Unit in  
15 Quebec City. Those are the discussions.  
16 Those are the properties I had discussions  
17 with Mr. Locke about.

18 THE COMMISSIONER: Q. Who brought the  
19 Army and Navy property in Quebec to your  
20 attention?

21 A. James O'Brien.

22 Q. Who is James O'Brien?

23 A. Well, I know him as the manager  
24 of the Unit there.

25 MR. WILSON: Mr. Commissioner, the  
26 Army and Navy Unit operated what was known  
27 as the Cambrai Curling Club at this address.

28 Q. What was the appraisal figure  
29 on that property? What was it valued at?

30 A. This is in what year, Mr. Wilson?





Q. Now, you say that the property was in the hands of the Army and Navy Unit, which was the location of the General Electric Co., do you recall that?

A. The General doesn't ring a bell.

Q. So as far as the property in question that I am referring to, and this property which you say is in the hands of the Army and Navy Unit, is that correct?

A. Is that the Army and Navy Unit?

Q. Yes, the Army and Navy Unit.

Q. When you say addresses don't mean anything to me, but it is an Army and Navy Unit in

those are the properties I had discussed.

Q. Now, you say that the property was in the hands of the Army and Navy Unit, is that correct?

A. Yes, the Army and Navy Unit.

Q. Now, you say that the property was in the hands of the Army and Navy Unit, is that correct?

A. Yes, the Army and Navy Unit.

Q. Now, you say that the property was in the hands of the Army and Navy Unit, is that correct?

A. Yes, the Army and Navy Unit.

Q. Now, you say that the property was in the hands of the Army and Navy Unit, is that correct?

A. Yes, the Army and Navy Unit.

Q. Now, you say that the property was in the hands of the Army and Navy Unit, is that correct?

A. Yes, the Army and Navy Unit.

Q. Now, you say that the property was in the hands of the Army and Navy Unit, is that correct?

A. Yes, the Army and Navy Unit.

Q. Now, you say that the property was in the hands of the Army and Navy Unit, is that correct?

A. Yes, the Army and Navy Unit.



1 '60, is it?

2 Q. 1959.

3 A. The figures escape my mind now. I  
4 know that -- that -- I don't know what they  
5 appraised it at, or, don't recall.

6 THE COMMISSIONER: Suggest it to him.

7 MR. WILSON: \$823,000 as of the 30th of  
8 July, 1959?

9 A. That could have been, sir. If  
10 that is what you say the appraisal was, then,  
11 I would have to agree with you.

12 Q. Was this property --

13 THE COMMISSIONER: Eight hundred and what?

14 MR. WILSON: \$823,000.

15 Q. Now, this was a property that  
16 McDermott and yourself were interested in.  
17 Were there any other persons associated with  
18 you in your interest in this property?

19 A. Well, maybe I had better explain  
20 this to you. We weren't interested in the  
21 property from a real estate point of view.  
22 Mr. O'Brien, who was the head of Unit 33  
23 in Quebec, wanted to raise a mortgage.  
24 This is an enormous clubhouse; they have  
25 seven or eight curling rinks, nine or ten  
26 bars. It is an enormous Army and Navy Unit.  
27 And Mr. O'Brien came to Toronto seeking a  
28 mortgage on this property.

29 Q. In what amount?

30 A. There, again, I would think it







1 would only be guessing, but it seems to me he  
2 wanted somewhere between two and three hundred  
3 thousand mortgage on these premises for  
4 reasons that I am not too familiar with.  
5 And he discussed it with me. Apparently  
6 he had shopped around here in Toronto and  
7 couldn't get one and he discussed the pros  
8 and cons and the club, and so on, and so  
9 forth, and asked me to see if I could raise  
10 the funds in advance for a mortgage in that  
11 amount of money. And that was my only  
12 interest. And if I was able to place the  
13 mortgage he was willing to give me a five  
14 per cent commission on the mortgagge.

15 Q. Was it on your instructions Mr.  
16 Locke had the Wheel Realty make this  
17 appraisal?

18 A. I would say it was either myself  
19 or McDermott, I don't recall; but it would  
20 be one or the other of us, yes.

21 Q. Why did you have the title to  
22 this property searched in Quebec City?

23 A. I don't know; probably the legal  
24 thing to do, Mr. Wilson, wouldn't it, if you  
25 were out trying to shop and try and raise  
26 money, to know what it was all about? Would  
27 that be minister?

28 Q. You just tell us the facts and --

29 A. I am trying to help you as much  
30 as I can, Mr. Wilson. I have told you what



Q. Now, only be guessing, but it seems to me he wanted somewhere between two and three hundred

A. Yes, that is what I am not too familiar with.

Q. And he discussed it with me. Apparently

A. Yes, he did not say anything about it.

Q. Couldn't get one and he discussed the price

A. And then and the club, and so on, and so

Q. Then, and asked me to see if I could raise

A. The funds in advance for a mortgage in that

Q. And if I was able to place the

A. Mortgage, he was willing to give me a five

Q. And if I was able to place the

A. Mortgage, he was willing to give me a five

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A. Mortgage, he was willing to give me a five

Q. And if I was able to place the

A. Mortgage, he was willing to give me a five





1 this transaction was all about.

2 THE COMMISSIONER: Q. O'Brien owned the  
3 place, did he?

4 A. I don't believe he did, sir.

5 Q. Who did?

6 A. Well, probably on the title there  
7 Mr. Wilson has; but, as I understand it, it  
8 was -- belonged to the Army and Navy.

9 Q. How was O'Brien going to get  
10 two or three hundred thousand dollars on  
11 property that did not belong to him?

12 A. I don't know that he wanted the  
13 money for himself. I imagine he wanted it  
14 for the Unit or they wanted the money down  
15 there. I don't know. I don't know what  
16 that would be all about.

17 MR. WILSON: The property was owned  
18 by the Army and Navy Veterans of Quebec,  
19 Unit No. 33, Building Association Incorporated.

20 Q. Were your instructions to  
21 Wheel Realty to value this for purposes  
22 of purchase or for purposes of mortgage?

23 A. I would think it would be  
24 mortgage, Mr. Wilson, but I couldn't -- I  
25 don't recall the intimate details of my  
26 discussion with Mr. Locke, or the direction  
27 I gave him; but I would think it would be  
28 for mortgage purposes.

29 Q. This club, undoubtedly, had a  
30 federal charter?





was purchased was all about.

THE OTHER PART: O. O'Brien owned the

house.

A. I don't believe he did, sir.

Q. --

A. Well, probably on the title there

Mr. Wilson had; but, as I understood it, it

was --

Q. How was O'Brien going to get

two or three hundred thousand dollars on

property that did not belong to him?

A. I don't know that he wanted the

money for himself. I imagine he wanted it

for the wife or they wanted the money down

there. I don't know. -- I don't know.

Q. --

MR. WILSON: The property was owned

by the Army and Navy Veterans of Quebec,

and so, it was a very large sum.

Q. Were your instructions to

Wheel Kealey to value this for purposes

of purchase or for purposes of mortgage?

A. I would think it would be

mortgage, Mr. Wilson, but I couldn't --

don't recall the intimate details of my

conversations with Mr. Wilson, but I don't

I gave him; but I would think it would be

for mortgage purposes.

Q. That also, undoubtedly, had a

value attached



1 A. I believe so.

2 Q. Just like the one you had out at  
3 Cooksville?

4 A. As far as I know, yes, sir.

5 Q. Why would O'Brien pick on you as a  
6 likely person to raise this money?

7 A. Well, he knew -- He used to come  
8 out to the club at Cooksville on various  
9 occasions and gamble once in a while. He  
10 knew I was fairly well informed around the  
11 city. He lived in Quebec City.

12 Q. He saw you knew something about  
13 the operations of places like Cooksville?

14 A. He never told me that he --

15 Q. You say he had been in attendance  
16 there?

17 A. Oh, yes.

18 Q. Why didn't you go into that deal?

19 A. I beg your pardon, sir?

20 Q. Why didn't you do anything about  
21 that property?

22 A. Why?

23 Q. Why? Or did you, maybe you did?

24 A. Well, which question do you  
25 want me to answer first?

26 Q. First of all, did you?

27 A. No, I didn't.

28 Q. Then, why didn't you?

29 A. Because I couldn't raise any money  
30 for Mr. O'Brien.



Q. Just like the one you had out at  
A. As far as I know, yes, sir.  
Q. Why would O'Brien pick on you as  
A. Well, he knew -- He used to go  
out to the club at Cocksville on various  
occasions and gamble once in a while. He  
was a very nice fellow and I was very  
close to him. He lived in Quebec City.  
Q. He saw you knew something about  
the conversation at the time that O'Brien  
A. He never told me that he --  
Q. The way he was in the  
A. I don't know.  
Q. Why didn't you go into that deal?  
A. I don't know.  
Q. Why didn't you do anything about  
it?  
A. I don't know.  
Q. Or did you, maybe you did?  
A. Well, when question do you  
ask me to answer that?  
Q. That of all, did you?  
A. No, I didn't.  
Q. Then, why didn't you?  
A. Because I couldn't make any money





1 Q. Did any other of the executives of  
2 this Unit ever come to discuss this matter  
3 with you? For example, did McGivern, Minskip  
4 or Lundberg ever come to discuss this  
5 proposition with you?

6 A. No.

7 Q. None of the officers of the parent  
8 body?

9 A. No, sir.

10 Q. Well, have you met any of these  
11 gentlemen, Lundberg, McGivern?

12 A. I don't know whether I met Mr.  
13 Lundberg or not. I could have met him. I  
14 wouldn't know him if he walked in here to-day.  
15 This foreign name doesn't mean anything to  
16 me at all.

17 Q. There is one other property I  
18 do not think we have mentioned, the property  
19 known as 223 New Toronto Street, New Toronto,  
20 and I am informed or instructed this  
21 property was purchased by Ryan, McDermott  
22 and yourself in 1951. Do you recall that  
23 transaction?

24 A. I think I explained that to you  
25 earlier.

26 Q. Is that one we have covered?

27 A. Yes, sir.

28 Q. That is the one you resold in 1953  
29 to Hekoff?

30 A. That could be, sir. I am only

C/4



Q. Did any owner of the premises at

1001 West 10th Street, Winnipeg, Manitoba

own any other property, or have any other

of having ever come to discuss with

anyone else?

A.

Q. What is the address of the property

now?

A. No, sir.

Q. Well, have you any of these

properties, buildings, etc.,

A. I don't know whether I had any.

Q. I don't know what you had.

Q. Wouldn't you know him if he walked in here to-day.

This foreign name doesn't mean anything to

me at all.

Q. There is one other property I

do not think we have mentioned, the property

known as 233 New Toronto Street, New Toronto,

and I am informed or instructed this

property was owned by Mrs. [Name]

and yourself in 1921. Do you recall that

statement?

A. I think I explained that to you

before.

Q. Is that one we have covered?

A. Yes, sir.

Q. That is the one you named in 1921.

Q. Now

A. That could be, sir. I am only



1       guessing.

2               Q.       Just to be sure we have covered it:  
3       Briefly, what did you tell us about that  
4       earlier? I am not sure that we have covered  
5       it.

6               A.       I think I told you it was in the  
7       200 block in New Toronto Street.

8               THE COMMISSIONER: Q.   Vacant land?

9               A.       It was a piece of vacant land,  
10       yes, sir.

11              MR. WILSON: Then, that is a duplication,  
12       Mr. Commissioner.

13              Q.       Now, there is one other property.  
14       I am not sure I want to pursue it at the  
15       moment.

16              That brings me, now, Mr. Commissioner,  
17       to a --

18              Q.       Have we covered all the properties  
19       now that you have had any interest in from  
20       1948 up to the present date?

21              A.       I don't know.

22              Q.       You do not know?

23              A.       Yes, as far as -- I would think so.  
24       I would only be guessing.

25              THE COMMISSIONER:

26              Q.       Surely you know the property you  
27       have had an interest in from time to time?

28              A.       That is a long period of time.  
29       That is fourteen years, Mr. Roach. Can you  
30       remember back fourteen years, sir?

              Q.       Yes.





Q. Just to be sure we have covered it:

A. I am not sure that we have covered

A. I think I told you it was in the

200 block in New Toronto Street.

THE COMMISSIONER: Q. Vacant land?

A. It was a piece of vacant land.

Yes, sir.

MR. WILSON: Then, that is a description,

Mr. Commissioner.

Q. Now, there is one other property.

I am not sure I want to pursue it at the

THE COMMISSIONER: Q. Now, when you say

--

Q. Have we covered all the properties

now that you have had any interest in from

right up to the present day?

A. I don't know.

Q. You do not know?

A. Yes, as far as -- I would think so.

I would only be guessing.

THE COMMISSIONER: Q. Surely you have the property you

have had an interest in from time to time?

A. That is a long period of time.

That is fourteen years, Mr. Wilson. Can you

remember that (fourteen years), Mr.

Q. Yes.



1 MR. WILSON: Maybe the witness can search --

2 THE COMMISSIONER: Q. As far as property  
3 that I owned is concerned, yes. Perhaps I  
4 did not own as much as you.

5 A. Oh, I don't know about that, Mr.  
6 Commissioner.

7 Q. Do you think you have told us  
8 about all the properties that you acquired  
9 either alone or in partnership, or whatever  
10 you want to call it, with others during that  
11 period of time?

12 A. I would think so.

13 Q. To the best of your knowledge  
14 that is so?

15 A. As I recall --

16 Q. No others?

17 A. Well, I can't swear to any others  
18 to the best of my knowledge. I have no books  
19 here but to the best of my knowledge that  
20 seems to me to be about everything, as I  
21 can recall the subject here.

22 Q. You brought up the subject of  
23 books. Did you keep books?

24 A. What kind of books?

25 Q. The books you have not got there,  
26 did you keep some books? That is all I want  
27 to know.

28 A. No, sir. You can't keep books  
29 when the police are trying to arrest you.  
30 That would be all evidence.



MR. WILSON: Maybe the witness can answer --

THE COMMISSIONER: O. As far as property

that I owned is concerned, yes. Perhaps I

did not own as much as you.

A. Oh, I don't know about that, Mr.

Commissioner.

Q. Do you think you have told us

about all the properties that you acquired  
either alone or in partnership, or wherever  
you want to call it, with others during that

period of time?

A. I think I have.

Q. Is that all of your properties?

That is all.

A. As I recall --

Q. --

A. Well, I can't swear to any others

so the best of my knowledge. I have no doubt

here but to the best of my knowledge that

seems to me to be about everything, as I

can recall the subject here.

Q. You brought up the subject of

books. Did you keep books?

A. What kind of books?

Q. The books you have not signed,

did you keep some books? That is all I want

to know.

A. Yes, sir. I can't recall now

when the police are trying to arrest you.

That would be all evidence.





1 Q. Would the police be trying to  
2 arrest you if you bought a piece of property?

3 A. No, I don't think they would.  
4 Any of these statements Mr. Wilson said I got  
5 from the rental agent would speak for  
6 themselves. That is probably somewhere.  
7 Do you know where it is? I don't know where  
8 it is. In the lawyer's office?

9 Q. From 1948 onwards you did not  
10 keep any books at all?

11 A. I don't know what your definition  
12 is.

13 Q. What is your definition?

14 A. If I had a piece of property and  
15 had some rents come in and once a year I  
16 would add them up and tear the sheet up when  
17 I had the figure in my head.

18 Q. Did not you have a book showing  
19 the property you owned and the money you had?

20 A. No.

21 Q. And who you owed and who owed you?

22 A. No, just on slips.

23 Q. You kept it on slips of paper  
24 that you could destroy? Which could be  
25 destroyed, put it that way.

26 A. Yes. The property I had I would  
27 probably deal with once a year and that  
28 would serve me until the next year.

29 Q. For example, this place you rented  
30 out in Etobicoke to Downs, did you keep the



Q. Would the police be likely to

contact you if you bought a piece of property

A. I don't know.

Q. Any of these statements Mr. Wilson said I got

from the rental agent would speak for

themselves. That is probably somewhere.

Q. Do you know where it is? I don't know where

it is. In the lawyer's office?

A. I don't know.

Q. Keep any books at all?

A. I don't know what your definition

is.

Q. What is your definition?

A. If I had a piece of property and

had some rents come in and once a year I

would add them up and tear the sheet up when

I had the return in my hand.

Q. Did not you have a book showing

the property you owned and the money you had?

A. No.

Q. And who you owed and who owed you?

A. Not on slips.

Q. You kept it on slips of paper

that you could destroy? When could be

destroyed, but at that way.

A. Yes. The property I had I would

probably deal with once a year and that

would serve as until the next year.

Q. For example, when paper you received

out in Rochester to Boston, did you keep the





1 record of whether Downs paid you or not from  
2 month to month?

3 A. I believe that used to be collected  
4 by the lawyer. He used to mail the money in,  
5 or something.

6 Q. I know but did you keep the record  
7 of whether there was any rent due to you  
8 from that place?

9 A. No, no, I didn't; just at the  
10 end of the year I would get the money and  
11 spend it.

12 Q. What did you say a moment ago  
13 about when the police are trying to arrest  
14 you you do not keep books, I did not  
15 understand just what you meant. You said  
16 when the police are trying to arrest you  
17 you do not keep books?

18 A. Well, when you are in the  
19 gambling business you can't keep books; you  
20 can't afford to keep books, can you?

21 Q. I do not know, I was never in  
22 the gambling business.

23 A. Well, that's all I meant.

24 Q. It might disclose what your  
25 interests are, the police might get hold of  
26 them?

27 A. It's the same as writing down a  
28 big list of bets. You wouldn't write that  
29 down if you were a bookmaker. It's a day-to-  
30 day operation and you don't need books and you





...of ...  
...

A. I believe that used to be collected  
by the lawyer. He used to mail the money in,  
on something.

Q. I know but did you keep the record  
of whether there was any more due to you  
from that matter?

A. Yes, I ...  
end of the year I would get the money and  
spend it.

Q. What did you say a moment ago  
about when the police were trying to arrest  
you you do not keep books, I did not  
understand that what you meant. You said  
when the police are trying to arrest you  
you do not keep books?

A. Well, when you are in the  
gambling business you can't keep books; you  
can't afford to keep books, and that's

Q. I do not know, I was never in  
the gambling business.

A. Well, that's all I meant.

Q. It might ...

A. It's the same as ...  
big list of bets. You wouldn't write that  
down if you were a bookmaker. It's a day-to-  
day operation and you can't keep books and you



1 were dealing in cash.

2 Q. You were not dealing in cash with  
3 Farmer Riley, he owed you money for a period  
4 of time and you parcelled it out to him in  
5 bits and pieces and dribs and drabs to a  
6 total of \$4,500. You did not keep a record  
7 of that?

8 A. We didn't have to; the farm was  
9 there.

10 Q. The farm was there but you had  
11 to keep a record of what you borrowed (sic)?

12 A. I don't know. If you loaned  
13 me \$50 or I borrowed \$50, I don't know that  
14 I would write it down.

15 Q. I think I would keep a record,  
16 particularly if I were lending you dribs and  
17 drabs over several months. You would not do  
18 it that way?

19 A. No.

20 Q. All right.

21 MR. WILSON: Mr. Commissioner, after the  
22 adjournment I am going to pursue the question  
23 of the income tax returns the witness had  
24 on June the 6th and which the witness said  
25 are in the briefcase.

26 THE COMMISSIONER: You have them, Mr.  
27 Rose?

28 MR. ROSE: I had a call put through to  
29 my secretary.  
30



were dealing in cash.

Q. You were not dealing in cash with

anybody, is that right?

of him and you handled it out to him in

cash and picked and given and given to a

man in the street.

of them?

A. We didn't have got the idea was

there.

Q. The fact was there but you had

to keep a record of what you borrowed (etc)?

A. I don't know. If you loaned

me \$50 or I borrowed \$50, I don't know that

I would write it down.

Q. I think I would keep a record,

particularly if I were running your store and

credit over several months. You would not do

it that way?

A. No.

Q. All right.

MR. WILSON: Mr. Commissioner, after the

adjudgment I am going to pursue the question

of the income tax return the witness had

on June the 6th and with the witness had

and in the first.

THE COMMISSIONER: You have them, Mr.

WILSON:

MR. WILSON: I had a call but through to

my secretary.





1 THE COMMISSIONER: Adjourn now until 2.15.

2  
3 ---Whereupon the hearing adjourned at 1.00 o'clock  
4 p.m. until 2.15 o'clock p.m. on Wednesday,  
5 19th September, 1962.

6  
7  
8  
9 (Page 9770 follows)



THE COMMISSIONER: ALJONIA NON AMIT 5.12.

—  
p.m. with 2.15 of 1000 p.m. on Wednesday,  
19th September, 1905.

(Page 210 follows)



AA/1/FMcG

1 ---On resuming at 2.20 p.m.

2 ---The witness, V.B. Feeley, resumes the box.

3 EXAMINATION BY MR. WILSON (Cont'd):

4  
5 Q. From 1948 to the present date  
6 what bank accounts have you had either in your  
7 own name or in any accounts in which you had  
8 an interest?

9 A. I had an account in the Royal  
10 Bank in the Queensway.

11 Q. What branch would that be?

12 A. I believe it was called the  
13 Queensway Branch.

14 Q. Was that a current or savings  
15 account?

16 A. I just don't recall.

17 Q. In your name?

18 A. Yes, sir, and I believe I had  
19 an account in New Toronto. I think it was in  
20 the Bank of Commerce there.

21 Q. What address was that branch?

22 A. I wouldn't know the address but  
23 there is only the one bank.

24 Q. There is only one there?

25 A. Yes, sir.

26 Q. That was in your name?

27 A. Yes, sir, and in the Bank of --  
28 I have forgotten the name of the bank -- it  
29 was on the corner of Bay and King Streets,  
30 the north-east corner.



---on returning 622.20 p.m.

---on returning 622.20 p.m.

---on returning 622.20 p.m.

Q. From 1948 to the present date

what bank accounts have you had either in your

own name or in any accounts in which you had

an interest?

A. I had an account in the Royal

Bank in the Queenway.

Q. What branch would that be?

A. I believe it was called the

Commercial Bank.

Q. Was that a current or savings

account?

A. I just don't recall.

Q. In your name?

A. Yes, sir, and I believe I had

an account in New Toronto. I think it was in

the bank of Commerce there.

Q. What address was that branch?

A. I wouldn't know the address but

there is only the one bank.

Q. There is only one there?

A. Yes, sir.

Q. That was in your name?

A. Yes, sir, and in the bank of --

I have forgotten the name of the bank -- it

was on the corner of Bay and King Streets.

The Commercial Bank.



1 THE COMMISSIONER: Q. The Bank of  
2 Nova Scotia?

3 A. That may be. Yes, I believe it  
4 is the Bank of Nova Scotia.

5 MR. WILSON: Q. Would that account be  
6 in your name?

7 A. Yes, sir.

8 Q. Any others?

9 A. That is all that I can recall, sir.

10 THE COMMISSIONER: Q. In your name; that  
11 is all that are in your name?

12 A. Yes, sir.

13 MR. WILSON: Q. Now, were there any  
14 other bank accounts in this same period of  
15 1948 to date in which you had an interest?

16 A. No, I wouldn't say so.

17 THE COMMISSIONER: Q. Did you and  
18 McDermott have a bank account together?

19 A. No.

20 MR. WILSON: Q. And during that same period  
21 did you have any safety deposit boxes in any  
22 bank or banks?

23 THE COMMISSIONER: Or trust companies.

24 MR. WILSON: Q. Or trust companies?

25 A. Yes. I have a box in the Bank  
26 of Nova Scotia.

27 Q. That is the one at Bay and King?

28 A. Yes, sir.

29 Q. Any others?

30 A. Oh, I have had several boxes over



A. Yes, I believe it

is the Bank of Nova Scotia.

MR. WILSON: Q. Would that account be

A. Yes, sir.

Q. And account

A. That is all that I can recall, sir.

THE COMMISSIONER: Q. In your name; that

is all that are in your name?

A. Yes, sir.

MR. WILSON: Q. Now, were there any

other bank accounts in this same period of

time to date in which you had an interest?

A. No, I wouldn't say so.

THE COMMISSIONER: Q. Did you and

anybody else have any bank accounts?

A. No.

MR. WILSON: Q. And during that same period

did you have any safety deposit boxes in any

bank or banks?

THE COMMISSIONER: Q. Or trust companies,

or any other companies?

A. Yes. I have a box in the Bank

of Nova Scotia.

Q. That is the one at King and King?

A. Yes, sir.

Q. Any others?

A. Oh, I have had several boxes over





1 a period of years in different banks but that  
2 is the only one I have now.

3 Q. The only one you have now?

4 A. Yes.

5 THE COMMISSIONER: Q. What other ones  
6 did you have?

7 A. Oh, I used to have -- over the  
8 years -- this is from '48 until now; is that  
9 the idea?

10 MR. WILSON: Yes.

11 A. Oh, I might have had -- I couldn't  
12 even remember how many I have had.

13 THE COMMISSIONER: Q. More than one at  
14 the same time?

15 A. Possibly.

16 Q. Well, you ought to know.

17 A. Possibly one or two at the same  
18 time; maybe three or four at the same time.

19 MR. WILSON: Q. What would you deposit  
20 in these boxes?

21 THE COMMISSIONER: Q. Where were they?

22 A. I would only be guessing now, sir.  
23 I never kept track of where they were. They  
24 were all in different banks under all kinds  
25 of names.

26 Q. I want to know where they were  
27 and what the names were?

28 A. As I say, sir, I never kept  
29 track of them.

30 Q. You can remember; you can tell me



a period of years in different banks and that  
is the only one I have now.

Q. The only one you have now?  
A. Yes.

Q. Now, I want to know -- what the  
years -- this is from '48 until now; is that  
the idea?

A. Yes.  
Q. Oh, I might have had -- I couldn't  
even remember how many I have had.

Q. Now from one to  
the same time?  
A. Possibly.

Q. Well, you ought to know.  
A. Possibly one or two at the same

time; maybe three or four at the same time.

Q. Now, I want to know -- what  
in these boxes?

Q. Now, I want to know -- what  
A. I would only be guessing now, sir.

I never kept track of where they were. They  
were all in different banks under all kinds  
of names.

Q. I want to know -- what the  
and what the names were?

A. As I say, sir, I never kept

Q. You can remember? You can tell me





1 where they were. You have one now. Where  
2 would the others be?

3 A. Let me see now. I think I had  
4 one over on the opposite corner of Bay and  
5 King.

6 MR. WILSDEN: Q. That would be the  
7 Toronto-Dominion Bank?

8 A. I don't know whether that is the  
9 one; that is the name of it, or not.

10 Q. There is one on each corner.  
11 It just depends on what you mean by "opposite"?

12 A. West of the Bank of Nova Scotia.

13 Q. The Bank of Montreal?

14 THE COMMISSIONER: Q. On the north side  
15 of King?

16 A. Yes, sir. And I think I had one  
17 out in New Toronto in that Bank of Commerce.  
18 I think I had one in Long Branch. I am not  
19 certain, Mr. Commissioner. It may have  
20 been the Dominion. I think it is around what  
21 they call 30th Street, I believe. It is so  
22 many years ago.

23 Q. Were all of these in your own  
24 name?

25 A. No.

26 Q. Let us take them one at a time.  
27 The Bank of Nova Scotia at Bay and King; is  
28 that in your name?

29 A. Yes, sir.

30 Q. The Bank of Montreal, Bay and King,



Q. The Bank of Nova Scotia at Bay and King?

A. Yes, sir.

that in your name?

The Bank of Nova Scotia at Bay and King; is

Q. Let us take them one at a time.

name?

Q. Were all of those in your own

many years ago.

they call 30th Street, I believe. It is so

been the Dominion. I think it is around where

certain, Mr. Commissioner. It may have

I think I had one in Long Branch. I am not

out in New Toronto in that Bank of Commerce.

A. Yes, sir. And I think I had one

of King?

THE COMMISSIONER: Q. On the north side

Q. The Bank of Montreal?

A. West of the Bank of Nova Scotia.

It just depends on what you mean by "opposite?"

Q. There is one on each corner.

one; that is the name of it, or not.

A. I don't know whether that is the

Commissioner's name?

MR. WILSON: Q. That would be the

one over on the opposite corner of Bay and

A. Let me see now. I think I had

would the others be?

would the others be?

would the others be?





1 whose name would that be in?

2 A. I don't know whose name; just  
3 some fictitious name I probably chose at the  
4 time.

5 MR. MacKINNON: I cannot hear the witness.

6 MR. WILSON: "Some fictitious <sup>name</sup> I probably  
7 chose".

8 THE COMMISSIONER: Q. You do not remember  
9 the name you chose?

10 A. No, I don't, sir.

11 Q. The Bank of Commerce in New  
12 Toronto?

13 A. I think that would have been under  
14 my own name.

15 Q. The Dominion Bank, if that is the  
16 bank, the one at 30th Street in Long Branch?

17 A. I am not certain whether that  
18 would be in my own name or some fictitious  
19 name.

20 Q. Why would you have the safety  
21 deposit boxes in a fictitious name?

22 A. Well, a lot of times I have a  
23 box like that. When you go into a bank they  
24 have big offices there that you can go into,  
25 cubicles.

26 Q. Yes, I know.

27 A. And a lot of times I would use  
28 those, maybe rent a box there, and just use  
29 the facilities there for -- If I was making  
30 up my sheets when I was bookmaking years ago,



up my friends when I was promoting your case.

the facilities there -- If I was making

those, maybe rent a box there, and just use

A. And a lot of times I would use

Q. Yes, I know.

outlets.

have big offices there that you can go into,

box like that. When you go into a bank they

A. Well, a lot of times I have a

deposit boxes in a fictitious name?

Q. Why would you have the safety

name.

would be in my own name or some fictitious

A. I am not certain about that.

bank, the one at 3000 Street in Long Branch?

Q. The Dominion Bank, is that is the

my own name.

A. I think that would have been under

Toronto?

Q. The Bank of Commerce in New

A. No, I don't, sir.

the same way?

THE COMMISSIONER: Q. You do not remember?

Q. Yes, I know.

Q. Yes, I know.

Q. Yes, I know.

Q. Yes, I know.

Q. Yes, I know.

Q. Yes, I know.

Q. Yes, I know.

Q. Yes, I know.

Q. Yes, I know.

Q. Yes, I know.





1 I would go there in the morning and use the  
2 telephone there and make up my sheets. That  
3 was the theory of the thing.

4 Q. Is that why you used a fictitious  
5 name?

6 A. Yes, sir.

7 Q. You used a fictitious name at  
8 different banks?

9 A. Usually.

10 Q. Have you a recollection now of  
11 any of the fictitious names you used?

12 A. No, right offhand I haven't, sir.  
13 I would just pick a name. It wouldn't really  
14 matter. Any name that came into my mind,  
15 when I changed it around from one bank to the  
16 other.

17 Q. Didn't you have to give an address  
18 at the bank at the time you filled out the  
19 application for the box?

20 A. I think you do have to.

21 Q. What address did you give?

22 A. Oh, I would just give a fictitious  
23 address also.

24 Q. You gave a fictitious name and  
25 a fictitious address also?

26 A. That's right.

27 Q. Have you told us now of all the  
28 deposit boxes you had?

29 A. Yes.

30 Q. Either at a bank or a trust company?



I would go there in the morning and use the telephone there and make up my mind. That was the theory of the thing.

Q. Is that why you used a fictitious name?

A. Yes, sir.

Q. You used a fictitious name at

different banks?

A. Usually.

Q. Have you a recollection now of

any of the banks where you used

A. No, right offhand I haven't, sir.

I would just pick a name. It wouldn't really

matter. Any name that came into my mind,

when I wanted it around from one bank to the

other.

Q. Didn't you have to give an address

at the bank at the time you filled out the

application for the bank?

A. I think you do have to.

Q. What address did you give?

A. Oh, I would just give a fictitious

address.

Q. You gave a fictitious name and

a fictitious address also?

A. That's right.

Q. Have you told us now of all the

deposits you had?

A. Yes.

Q. Is there anything else you want to say?



1 A. Yes, sir. As far as I recall.

2 Q. Did you ever have a safety  
3 deposit box with the Guaranty Trust Company?

4 A. Where would that be, sir?

5 Q. Well, don't you know?

6 A. Is that the one on King Street  
7 near Yonge?

8 Q. Did you have one there?

9 A. I don't recall.

10 Q. What brought that to your mind,  
11 King Street near Yonge?

12 A. Well, I know there is a trust  
13 company over there.

14 Q. Did you have a safety deposit box  
15 there?

16 A. No, I don't believe I did.

17 Q. Any other trust company? Did you  
18 have a deposit box in a trust company's office  
19 on Bay Street?

20 A. Oh, the Guaranty Trust on Bay  
21 Street, is it?

22 Q. Speak up.

23 MR. MACKINNON: Would the witness try  
24 to speak up.

25 THE COMMISSIONER: It looked as though  
26 you were trying to get confidential with me.  
27 Speak through the microphone.

28 A. No, I don't recall ever having  
29 a safety deposit box in the Guaranty Trust.

30 Q. Did you have a bank account there?





A. Yes, sir, as far as I recall.

Q. Did you even have a safety

deposit box with the Guaranty Trust Company?

A. Where would that be, sir?

Q. Well, don't you know?

A. Is that the one on King Street

near Yonge?

Q. Did you have one there?

A. I don't recall.

Q. What brought that to your mind,

that would be there?

A. Well, I know there is a bank

building on that street.

Q. Did you have a safety deposit box

there?

A. No, I don't believe I did.

Q. And you were sure you didn't

have a deposit box in a trust company's office

on Bay Street?

A. Oh, the Guaranty Trust on Bay

Street, is it?

Q. Yes, sir.

MR. PROCTOR: Would the witness try

to speak up.

THE COURT: It looked as though

you were trying to get confidential with me.

Speak through the microphone.

A. No, I don't recall even having

a safety deposit box in the Guaranty Trust.

Q. Did you have a bank account there?



1 A. I don't believe so.

2 Q. Either in your name or in any name?

3 A. Not to the best of my recollection.

4 MR. WILSON: Q. Is Peter Fielding one  
5 of the aliases you used from time to time?

6 A. No.

7 Q. Well, on the sale of Airgo, the  
8 sale of shares in Airgo, by David Humphrey,  
9 Hugh Locke, Peter Fielding and Joseph McDermott,  
10 and the agreement is the blank day of May, 1960,  
11 are you the person named there as or described  
12 there as Peter Fielding?

13 A. Yes, I believe I am.

14 Q. So you did use the alias on that  
15 occasion?

16 A. No, I did not, sir.

17 Q. How did it come about that that  
18 happened?

19 A. I think you will find -- as I  
20 recall that document, or whatever it is you  
21 are referring to, that was drafted by the  
22 firm of lawyers that were acting for the  
23 principals that were submitting the offer and  
24 it seems to me that the instructions that  
25 went to that firm of lawyers went through  
26 Robert Wong, who is the man that was making  
27 the offer, and that was his idea, not mine.

28 Q. Well, did you sign as Peter  
29 Fielding?

30 A. No, I don't believe I did. I don't



1 A. I don't believe so.

2 Q. Whether in your name or in any name?

3 A. Not to the best of my recollection.

4 MR. WILSON: Q. Is Peter Fielding one

5 of the aliases you used from time to time?

6 A. No.

7 Q. Well, on the sale of Altgo, the

8 sale of shares in Altgo, by David Harpway,

9 was there, Peter Fielding and (name) (name)?

10 and the agreement in the bank day of May, 1950,

11 are you the person named there as or described

12 there as Peter Fielding?

13 A. Yes, I believe I am.

14 Q. So you did use the alias on that

15 occasion?

16 A. No, I did not, sir.

17 Q. How did it come about that that

18 happened?

19 A. I think you will find -- as I

20 recall that document, or whatever it is you

21 are referring to, that was drafted by the

22 firm of lawyers that were acting for the

23 principals that were submitting the offer and

24 it seems to me that the instructions that

25 went to that firm of lawyers went through

26 Robert Wong, who is the man that was making

27 the offer, and that was his idea, not mine.

28 Q. Well, did you sign as Peter

29 Fielding?

30 A. No, I don't believe I did. I don't





1 believe I did.

2 Q. You say it was Robert B. Wong,  
3 that he was the purchaser of the shares?

4 A. Well, I don't know the intricate  
5 details of it but he was instrumental in having  
6 that offer drafted and it seems to me that  
7 that would be his idea, rather than mine.

8 Q. To use that alias?

9 A. Pardon?

10 Q. To use that name, Peter Fielding?

11 A. No, no, no. I don't know what  
12 his idea was. What I am saying is that it  
13 would be on his instructions that the offer  
14 was drafted that way. It had nothing to do  
15 with me directing him to have that drawn the  
16 way it was.

17 THE COMMISSIONER: Q. Did you adopt  
18 his plan, his suggestion?

19 A. No, the only time I had ever  
20 seen it was when I read the offer, and I never  
21 even discussed it with him because, as I  
22 recall, the offer was just an offer and it  
23 was never accepted anyhow. So I didn't bother  
24 correcting it or going into it. I never even  
25 discussed it with him.

26 MR. WILSON: Q. Then you say, apart  
27 from the use it was made in the manner you  
28 describe, you say you have never used that  
29 alias Peter Fielding in any other way?

30 A. I have never used that alias at  
all.



Q. You say it was Robert B. Wong,

that he was the purveyor of the money?

A. Well, I don't know the intricate

details of it but he was instrumental in having

that offer drafted and it seems to me that

that would be his idea, rather than mine.

Q. To use that money?

A. Yes.

Q. And you say, from the

A. Yes, sir, I don't know what

his idea was. When I am saying in that it

would be on his instructions that the offer

was drafted that way. It had nothing to do

with me directing him to have that drawn the

way it was.

THE COMMISSIONER: Q. Had you adopted

his plan, his suggestion?

A. No, the only time I had ever

seen it was when I read the offer, and I never

even discussed it with him because, as I

recall, the offer was just an offer and it

was not a recommendation.

correcting it or going into it. I never even

discussed it with him.

Q. Now, you say that

from the use it was made in the manner you

described, you say that was the way

that the money was used?

A. I have never read the filing as





1 Q. Did you use the alias Peter  
2 Seeley?

3 A. Not to my knowledge, sir.

4 Q. I suggest that your phone bill  
5 at 1 Benvenuto Place was in the name of Peter  
6 Seeley?

7 A. No; I would think that it is in  
8 the V.B. Feeley.

9 Q. What did you deposit in these  
10 various safety deposit boxes you had from time  
11 to time?

12 A. Pardon?

13 Q. What did you deposit, what did  
14 you put in these various safety deposit boxes?

15 A. The major portion of them, I  
16 never put anything in them.

17 Q. You just used them as a convenient  
18 spot to work out the figures on the various  
19 bets that had been taken from day to day?

20 A. That would be right, sir.

21 Q. And any other gambling operations  
22 you were engaged in from time to time?

23 A. That's right, sir.

24 THE COMMISSIONER: Q. Well, there is  
25 no telephone in these booths at the banks?

26 A. There is not?

27 Q. No.

28 A. Well, I think if you go in, for  
29 example, into the Bank of Nova Scotia down  
30 there, there may be fifteen or twenty booths





Q. Did you use the alias Peter

Keeley?

A. Not to my knowledge, sir.

Q. I suggest that your phone bill

at 1 Remondino Place was in the name of Peter

Keeley.

A. No; I would think that it is in

the V.B. Keeley.

Q. What did you deposit in these

various safety deposit boxes you had from time

to time?

A. I don't know.

Q. What did you deposit, what did

you put in these various safety deposit boxes?

A. The major portion of them, I

never had anything in them.

Q. You just used them as a convenient

spot to work out the figures on the various

books that had been taken from day to day?

A. That would be right, sir.

Q. And any other gambling operations

you were engaged in from time to time?

A. That's right, sir.

THE COMMISSIONER: Q. Well, there is

no telephone in these booths at the banks?

A. There is not.

Q. Well,

A. Well, I think if you go in, for

example, into the Bank of Nova Scotia down

there, there may be fifteen or twenty booths



1 down there or rooms and you can get the girl  
2 to bring you a phone into any one of them, as  
3 I recall it.

4 Q. You must have had greater experience  
5 than I have had. I have never seen a telephone  
6 in any of those booths.

7 A. I don't think they are sitting  
8 right there but if you request one the girl  
9 will bring one in and plug it in for you.

10 MR. WILSON: Q. So you had all the  
11 facilities of an office in these cubicles?

12 A. That's right, sir.

13 Q. Was this your idea, operating in  
14 that way, or did somebody suggest it to you?

15 A. No, I think it would be my idea.

16 THE COMMISSIONER: Q. Who would you  
17 be telephoning from the booths?

18 A. Oh, probably I phoned up the  
19 back-end man.

20 Q. Who was he?

21 A. His name was Ryan.

22 Q. Where was his headquarters?

23 A. You mean where did he live?

24 Q. All right, let's put it that way?

25 A. He lived in North Toronto here  
26 somewhere. I wouldn't know exactly the street  
27 he lived on.

28 Q. What was his first name?

29 A. W, William.

30 Q. William Ryan?



down there on some and you can get the girl  
to bring you a phone into any one of them, as  
I recall it.

Q. You must have had greater experience  
than I have had. I have never seen a telephone  
in any of those booths.

A. I don't think they are setting  
right there but if you request one the girl  
will bring one in and plug it up for you.

MR. WILSON: Q. So you had all the  
realities of an office in these booths?

A. That's right, sir.

Q. Was this your idea, operating in  
that way, or did somebody suggest it to you?

A. All I know is what I saw.

THE COMMISSIONER: Q. Who would you

be telephoning from the booths?

A. Oh, probably I phoned up the

Q. Who was he?

A. I don't know.

Q. Where was his headquarters?

A. You mean where did he live?

Q. All right, let's put it that way?

A. He lived in North Toronto here

somewhere. I wouldn't know exactly the street

he lived on.

Q. What was his first name?

A. W. Wilson.

Q. William Hyatt?





1 A. Bill, Bill Ryan.

2 Q. Bill Ryan?

3 A. Yes.

4 Q. When was this?

5 A. Well, as Mr. Wilson asked me, I  
6 think it was between the years of ---

7 MR. WILSON: 1948, I was talking about  
8 to the present time.

9 A. Well, it would be in that area.

10 THE COMMISSIONER: Q. Any other back-end  
11 men?

12 A. Do I know any other back-end men?

13 Q. No; I asked you who you would be  
14 telephoning from the booth at the bank. You  
15 said the back-end man. I asked you who it  
16 was and you named Bill Ryan, who lives in  
17 North Toronto someplace. Who else?

18 A. Who else would I telephone?

19 Q. Yes.

20 A. Oh, I would be telephoning various  
21 people that used to bet with me.

22 Q. Yes. What other back-end men  
23 besides Bill Ryan?

24 A. There was a fellow that used to  
25 work for me by the name of Brooker years ago.  
26 Whichever would be writing the sheet, why, that  
27 is the chap I would call.

28 Q. Is that Ned Brooker?

29 A. No, I don't believe it ~~is~~ is.  
30 They used to call him "Shorty".



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A. Well, Bill Ryan.

Q. Bill Ryan?

A. Yes.

Q. How was Ryan?

A. Well, as Mr. Wilson asked me, I

think it was between the years of ---

Mr. Wilson: 1947, I was sitting down

to the present time.

A. Well, it would be in that area.

THE COMMISSIONER: Q. Any other back-end

men?

A. Do I know any other back-end men?

Q. No? I asked you who you would be

telephoning from the booth at the bank. You

said the back-end man. I asked you who he

was and you named Bill Ryan, who lives in

Northern Toronto somewhere. Who else?

A. No one else.

Q. Yes.

A. Oh, I would be telephoning various

people that used to get with me.

Q. Yes. And when Ryan was in

contact with Ryan?

A. There was a fellow that used to

work for me by the name of Jackson years ago.

Whoever would be writing the sheet, why, that

is the chap I would call.

Q. Is that Ned Rooney?

A. No, I don't believe it is Ned.

They used to call him "Shorty".



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Q. Where did he live?

A. I believe in the west end someplace.  
It would be in around Lansdowne and St. Clair  
some\_where but the street I don't know.

Q. Did you carry the telephone  
number around with you?

A. No, I think I would make a point  
of memorizing it.

Q. All right. Now, what other back-  
end men?

MR. WILSON: Q. Possibly you might tell  
us what William Ryan's telephone number is?

A. I don't remember.

THE COMMISSIONER: No; his memory isn't  
that good.

MR. WILSON: Q. The Commissioner has  
asked you what other back-ends you had?

A. Downs; David Downs.

Q. Any others?

A. No; I think that is about all I  
can say.

THE COMMISSIONER: Q. You think that  
exhausts the list?

A. I am inclined to think so.

Q. Are any of those three men still  
in the City of Toronto?

A. Yes. Downs is still in the City  
of Toronto.

Q. Where does he live?

A. He lives in Parkdale.





Q. Where did he live?

A. I believe he lived in the city.

It would be in around Lawrence and St. Clair.

Q. Some where but the street I don't know.

A. Yes, I think I would make a point

of mentioning it.

Q. All right, but, what time was

and went?

MR. WILSON: Q. Possibly you might tell

us what William Ryan's telephone number is?

A. I don't know.

THE COMMISSIONER: No; his memory isn't

that good.

Q. All right, what time was he

asked you what other back-ends you had?

A. Small Gold Smith.

Q. Any others?

A. No; I think that is about all I

had.

THE COMMISSIONER: A. You have any

more?

A. I am inclined to think so.

Q. And any of these three men still

in the City of Toronto?

A. Yes, Down is still in the City.

Q. Down?

Q. Where does he live?

A. He lives in Parthole.



1 Q. Where in Parkdale?

2 A. I think it is Sorauren.

3 MR. WILSON: Q. You will have to speak  
4 up.

5 A. I believe it is Sorauren and Wright  
6 Avenue. No, that is not it. It is Garden  
7 Avenue. It is Sorauren and Garden Avenue.

8 THE COMMISSIONER: Q. How about the  
9 others?

10 A. The other two are deceased.

11 Q. They are deceased?

12 A. Yes.

13 Q. How long since you last made bank?

14 A. Well, this is '62?

15 Q. That's right.

16 A. Oh, I would think it would be  
17 three, maybe four years.

18 Q. Who was the last back-end that  
19 you used?

20 A. Well, I believe it was Ryan.

21 Q. He is dead now?

22 A. Yes.

23 Q. All right.

24 MR. WILSON: Q. How often did you make  
25 settlements with these back-ends?

26 A. Oh, it might be a month; it might  
27 be two months, something along those lines.

28 Q. Take Downs, for example; how  
29 would you carry out the settlement?

30 A. I'm sorry, Mr. Wilson?



Q. Where is the property?

A. I think it is in the garden.

MR. WILSON: Q. You will have to speak

A. I believe it is in the garden and the

avenue. No, that is not it. It is in the

avenue. It is in the garden and the

THE COMMISSIONER: Q. How about the

A. The other two are deceased.

A. Yes.

Q. How long since you last made books?

Q. That's right.

A. Oh, I would think it would be

three, maybe four years.

Q. Who was the last back-end time

you used?

A. Well, I believe it was then.

Q. He is dead now?

A. Yes.

Q. All right.

MR. WILSON: Q. How often did you make

A. Oh, it might be a month or so

be two months, something along those lines.

Q. Take down, for example; how

would you carry out the settlement?

A. I would, I would





1 Q. How was the settlement worked out  
2 and where did it take place?

3 A. Oh, I don't know. Downs, I might  
4 go to his place or he might come to my place,  
5 or we may meet somewhere in a hotel or in a  
6 bar, something like that.

7 THE COMMISSIONER: Q. Now, where was  
8 his place?

9 A. He lived at 9 Smithfield Drive  
10 for a considerable number of years.

11 MR. WILSON: I think this morning we  
12 had evidence that he was the purchaser of  
13 Smithfield Drive.

14 MR. MacKINNON: Tenant.

15 THE COMMISSIONER: Q. From where were  
16 you operating a book last?

17 A. Probably in my apartment at home.

18 Q. And where was that?

19 A. What did I say, three or four  
20 years ago? I think maybe where I am living  
21 now, I am not certain. Wherever I was, I  
22 would be taking bets on my own telephone from  
23 anyone who would phone me up at home.

24 Q. You are living now in what  
25 apartment?

26 A. The Benvenuto.

27 Q. Have you been writing book in  
28 the Benvenuto?

29 A. I am not just certain how long  
30 I have been living there now.



Q. How was the government working out?

A. I don't know. I might go to his place or he might come to my place,

or we may meet somewhere in a hotel or in a

bar, something like that.

Q. Did you ever see him?

A. He lived at 9 Smithfield Drive

for a considerable number of years.

MR. WILSON: I think this morning we

had evidence that he was the purchaser of

Smithfield Drive.

Q. Did you ever see him?

A. I don't know. I might go to his place or he might come to my place,

or we may meet somewhere in a hotel or in a

bar, something like that.

Q. Did you ever see him?

A. He lived at 9 Smithfield Drive

for a considerable number of years.

MR. WILSON: I think this morning we

had evidence that he was the purchaser of

Smithfield Drive.

Q. Did you ever see him?

A. I don't know. I might go to his place or he might come to my place,

or we may meet somewhere in a hotel or in a

bar, something like that.

Q. Did you ever see him?

A. He lived at 9 Smithfield Drive

for a considerable number of years.

MR. WILSON: I think this morning we

had evidence that he was the purchaser of

Smithfield Drive.

Q. Did you ever see him?





1 Q. I don't care how long you have  
2 been living there ---

3 A. I could have been ---

4 Q. Listen to me, please. No matter  
5 how long you have been living there, have you  
6 been operating a book there while you were  
7 living there?

8 A. I am only guessing, Mr. Roach. I  
9 could have taken a few bets there, but it would  
10 be purely guesswork, as far as remembering  
11 back that far.

12 Q. Did you take bets out in the  
13 Centre Road Veterans Club?

14 A. Yes, sir.

15 Q. Over what period of time?

16 A. I suppose off and on over the  
17 period of time that the club was open.

18 Q. How long was that?

19 A. I guess that was seven or eight  
20 years.

21 Q. Did you make that headquarters  
22 for your bookmaking?

23 A. No, I don't think you could  
24 describe it as a headquarters.

25 Q. It was just a branch?

26 A. I don't know whether you would  
27 say it was a branch either.

28 Q. What was it?

29 A. Well, if somebody in the club  
30 wanted to make a bet I would take the bet off them.





Q. I don't care how long you have

A. I could have been ---

Q. Listen to me, please. No matter

how long you have been living there, have you

been operating a book there while you were

living there?

A. I am only guessing, Mr. Nelson. I

could have taken a few bets there, but it would

be purely guesswork, as far as remembering

back that far.

Q. Did you take bets out in the

country when you were there?

A. Yes, sir.

Q. When were you there?

A. I suppose off and on over the

period of time that the club was open.

Q. How long was that?

A. I guess that was seven or eight

months.

Q. Did you make that headquarters

for your bookmaking?

A. No, I don't think you could

describe it as a headquarters.

Q. It was just a business?

A. I don't know whether you would

say it was a business either.

Q. What was it?

A. Well, it somebody in the club

wanted to make a bet I would take the bet off them.



1 Q. Then you would phone the back  
2 end?

3 A. Yes. Sometimes I wouldn't even  
4 telephone the back end; I would remember.

5 Q. Were you the only one at the  
6 Centre Road Veterans Club operating a book?

7 A. Well, there again, sir, I cannot  
8 say what the other fellows done there. They  
9 may have taken bets from other people there.  
10 I would have no personal knowledge of what  
11 they were doing.

12 Q. It wasn't a joint operation?

13 A. No, sir.

14 Q. Who were the other fellows?

15 A. You mean the people that came there?

16 Q. No, no; who were the other fellows  
17 taking bets there?

18 A. I didn't say they were taking  
19 bets. They could have been, I said. I  
20 didn't say whether they were betting with each  
21 other, booking. I wouldn't know what the other  
22 fellow was doing. I might be betting and he  
23 might be booking and I might be booking and  
24 he might be betting and so on and so forth.  
25 One fellow couldn't say what the other fellow  
26 was doing.

27 Q. You have no knowledge of whether  
28 the other fellow was making book; is that your  
29 oath?

30 A. I couldn't possibly swear to



Q. Then you would phone the back

only

A. Yes, I would phone the back

telephone the back end; I would remember.

Q. Were you the only one at the

front of the building that morning?

A. Well, there again, sir, I cannot

say what the other fellows done there. They

may have been there from some people there.

I would have no personal knowledge of what

was going on.

Q. Is there a back entrance?

A. No, sir.

Q. Who were the other fellows?

A. You mean the people that were there?

Q. No, no; who were the other fellows

looking over there?

A. I didn't see any other fellows

there. They could have been, I said. I

didn't say whether they were betting with each

other, looking. I wouldn't know what the other

fellow was doing. I might be betting and he

might be looking and I might be betting and

he might be betting and so on and so forth.

One fellow couldn't say what the other fellow

was doing.

Q. You have no knowledge of whether

the other fellow was making book; is that your

impression?

A. I couldn't possibly know.





1 anybody else making book. I don't know whether  
2 they were making book or whether they were  
3 betting or what they were doing. I wouldn't  
4 have no way of knowing what the other fellows  
5 were doing. I might bet with one of them.  
6 They may bet with me. And so on and so forth.  
7 But that wouldn't constitute them being a  
8 bookmaker or booking out there at that club.

9 Q. So your oath is that you don't know,  
10 you have no knowledge of anyone else making  
11 book at the Centre Road Club; is that your oath?

12 A. I cannot swear to anybody making  
13 book at the Centre Road Veterans Club. I  
14 have taken bets there myself and ---

15 Q. Did you make a habit of so doing?

16 A. Oh, I don't know whether it would  
17 be a habit, sir. I might take five bets  
18 tonight and I might not take any more for  
19 four or five days.

20 Q. You were taking them there and  
21 you were taking them at your apartment, wherever  
22 you were living? All right.

23 MR. WILSON: Q. Did you not have an  
24 interest in a book that was operated from  
25 the Supreme Cleaners at 1483 Lake Shore Road,  
26 Long Branch? This is quite recently; this  
27 is within the last few years.

28 A. No, sir.

29 Q. Do you know Pat Ryan, who was  
30



they were making book or whether they were  
 betting or what they were doing. I wouldn't  
 have any way of knowing what was going on  
 were doing. I might bet with one of them.  
 They may bet with me. And so on and so forth.  
 But that wouldn't constitute them being a  
 bookmaker inasmuch as I was not taking bets.

Q. So your oath is that you don't know  
 you have no knowledge of anyone else making  
 book at the Centre Road Club; is that your oath?

A. I cannot swear to anybody making  
 book at the Centre Road Veterans Club. I  
 have taken bets there myself and ---

Q. Did you make a habit of so doing?

A. Oh, I don't know whether it would

be a habit, sir. I might take five bets  
 tonight and I might not take any more for  
 four or five days.

Q. You were taking them there and

you were taking them at your apartment, wherever  
 you were living? All right.

MR. WILSON: Q. Did you not have an

interest in a book that was operated from

Long Beach? This is quite recently; this

is within the last few years.

A. No, sir.

Q. Do you know that person who was





1 arrested in July, 1961, for keeping a common  
2 betting house on those premises and who was  
3 later convicted?

4 A. I know a Pat Ryan.

5 Q. You say you had nothing to do  
6 with that operation?

7 A. Nothing whatsoever.

8 Q. Now, another establishment, Bill's  
9 Sporting Goods, 1062D Lake Shore Road, Long  
10 Branch, was operated by Peter Zulak. Did you  
11 know Peter Zulak?

12 A. Yes, sir.

13 Q. He was found guilty of carrying  
14 on a common betting house at those premises  
15 in July, 1961. Did you have anything to do  
16 with that operation?

17 A. Nothing whatsoever.

18 Q. When did you first make an  
19 income tax return to the Government?

20 A. It would be back in the 40's  
21 some time, sir.

22 Q. I have asked you to produce here  
23 today copies of the returns you made for  
24 the years 1954 through to 1960. I think you  
25 have them with you?

26 A. (No audible answer)

27 Q. I will provide copies of these  
28 returns to everybody. (Copies distributed  
29 to counsel)

30 First, we will look at the T-1 return for





arranged in July, 1951, for keeping a common

document with the other documents and the

other documents.

A. I know a lot better.

Q. The other documents and the

with that operation?

A. Nothing whatsoever.

Q. The other documents and the

document with the other documents and the

document, was operated by Peter Kulak. Did you

know Peter Kulak?

A. Yes, sir.

Q. He was found guilty of carrying

on a common betting house at those premises

in July, 1951. Did you have anything to do

with that operation?

A. Nothing whatsoever.

Q. When did you first make an

income statement to the Government?

A. It would be back in the 40's

some time, sir.

Q. I have asked you to produce here

today copies of the returns you made for

the years 1954 through to 1960. I think you

have them with you?

A. (In reply, yes.)

Q. I will provide copies of these

returns to everybody. (Copies distributed

to counsel)

First, we will look at the T-1 return for



1 1954 in the name of Vincent Feeley. I see  
2 there you give your address as 116 Durie Street,  
3 Toronto. You describe yourself as a commission  
4 agent. It further states that your partners  
5 were Joseph McDermott and James Ryan?

6 A. I don't see that on this return,  
7 Mr. Wilson.

8 MR. WILSON: May I see what the witness  
9 is looking at?

10 THE COMMISSIONER: It is the 1954 T-1.

11 Q. Your address appears to be on  
12 Durie Street. Was that your address?

13 A. No, sir.

14 Q. Was that a fictitious address?

15 A. No, a brother of mine lives there.

16 Q. Your brother lives there?

17 A. Yes.

18 Q. Is that the brother who was  
19 the managing agent of the apartment house?

20 A. No.

21 Q. What was the brother's name who  
22 lived on Durie Street?

23 A. George.

24 Q. Where were you living at the time?

25 A. I was living in the west end  
26 somewhere, sir.

27 Q. Why didn't you tell the Department  
28 your correct address?

29 A. Oh, I don't think for any  
30 particular reason. I don't know that there was



1 I see in the name of Vincent Beatty. I see  
 2 there you give your address as 110 Dine Street,  
 3 Toronto. You describe yourself as a commission  
 4 agent. The Director asked that your business  
 5 was foreign exchange and bank work.

6 A. I don't see that on this return.  
 7 Mr. Wilson.

8 MR. WILSON: May I see what the witness  
 9 is saying now?

10 THE COMMISSIONER: It is the 1934 T-1.  
 11 Q. Your address appears to be on

12 Dine Street. Was that your address?  
 13 A. No, sir.

14 Q. Was that a residence address?  
 15 A. No, a brother of mine lives there.

16 Q. How many brothers does he have?  
 17 A. Two.

18 Q. Is that the brother who was  
 19 the managing agent of the apartment houses?

20 A. No.  
 21 Q. What was the brother's name who

22 lived on Dine Street?  
 23 A. George.

24 Q. Where were you living at the time?  
 25 A. I was living in the west end.

26 Q. Why didn't you tell the Department  
 27 your correct address?

28 A. Oh, I don't think for any  
 29 particular reason. I don't know that there was





1 any particular reason.

2 Q. Oh, Mr. Feeley, there must have  
3 been some reason why you didn't give your own  
4 address but rather gave your brother's address?

5 A. Just a mailing address, sir.

6 Q. Well, you had a mailing address  
7 where you were living?

8 A. That is true.

9 Q. Why didn't you give your correct  
10 address? Here we have you using fictitious  
11 names at the banks, and giving fictitious  
12 addresses in your income tax returns.

13 A. That really isn't a fictitious  
14 address, sir.

15 Q. It wasn't your address.

16 A. No, but it was ---

17 Q. It says, "Present address, number,  
18 street"?

19 A. It was where I could be contacted,  
20 sir.

21 Q. That wasn't your present address?

22 A. I don't believe it was, sir.

23 Q. No. You described yourself as  
24 a commission agent. Were you a commission  
25 agent in 1954?

26 A. Well, what is your definition?

27 Q. You used the word; I don't know  
28 what you meant by it.

29 A. You might call me a commission agent.  
30 I considered myself a commission agent making



any particular reason.

Q. Oh, Mr. Weasley, there must have been some reason why you didn't give me the address of the house that was in the name of the house.

A. That's a matter of fact, sir.

Q. Well, you had a mailing address.

A. That is true.

Q. Now, you give me the address.

A. Here we have you using the address of the house, and giving the address of the house.

A. That really isn't a fiction.

Q. It really isn't a fiction.

A. No, it is not.

Q. It is not, "I don't know," is it?

A. "I don't know"?

Q. It was where I could be contacted.

A. Yes.

Q. That wasn't your present address?

A. I don't believe it was, sir.

Q. No. You described yourself as a commission agent. Were you a commission agent in 1934?

A. Well, what is your definition?

Q. You used the word; I don't know what you meant by it.

A. You might call me a commission agent. I considered myself a commission agent.





1        bets and booking and gambling.

2            Q.        I see.    Later on you described  
3        yourself as a gambler, if I remember correctly?

4            MR. WILSON:    That does not come until  
5        the next year.

6            THE COMMISSIONER:    He says there is  
7        nothing on the T-1 return here showing the names  
8        of partners, McDermott and Ryan.

9            MR. WILSON:    Mr. Commissioner, I think  
10        you have a copy of the set I have in my hand.  
11        It is written in.    What I have is a photostat.

12            THE COMMISSIONER:    You better look at  
13        this, Mr. Wilson.    I cannot follow it.

14            MR. WILSON:    Q.    Is this a copy that  
15        you typed out?

16            A.        I beg your pardon?

17            Q.        Is this a copy you typed out at  
18        the time you made the return or is this  
19        something that somebody has copied since?

20            A.        No; I believe that was made at  
21        the time, sir.

22            Q.        Who made it?

23            A.        I would think that -- it doesn't  
24        say here, does it?    I would think that this --  
25        who typed it; is that what you are asking,  
26        Mr. Wilson?

27            Q.        Yes.

28            A.        Probably Mr. Lawrence's secretary,  
29        I believe.

30            Q.        That would be your accountant?





...and the ...

...later on ...

yourself as a gambler, is I remember correctly?

MR. WILSON: That does not come until

the next year.

THE COMMISSIONER: He says there is

...of ...

of partners, McDermott and Ryan.

MR. WILSON: Mr. Commissioner, I think

you have a copy of the one I have in my hand.

It is written in. What I have is a photostat.

THE COMMISSIONER: The ...

this, Mr. Wilson. I cannot follow it.

MR. WILSON: Q. Is this a copy that

you typed out?

A. I beg your pardon?

Q. Is this a copy you typed out or

the time you made the return or is this

something that somebody has copied since?

A. No; I believe that was made at

the time, sir.

Q. Who made it?

A. I would think that -- it doesn't

say here, does it? I would think that this --

typed up is that what you are asking.

MR. WILSON:

Q. Yes.

A. Probably Mr. Lawrence's secretary.

I believe.

Q. That would be your account?



1 A. Yes; you could say that.

2 Q. What is his first name?

3 A. Clifford.

4 Q. Clifford Lawrence, yes. Now,  
5 look at the photostat of the copy of the return  
6 that I gave and tell me whether or not that  
7 photostat is a photostat of your signature as  
8 being the person making the return?

9 THE COMMISSIONER: Q. Here (indicating).

10 A. I have a copy here, sir. That  
11 appears like my signature.

12 MR. WILSON: Q. You see that there is  
13 written in there under the heading, "Names  
14 of Partners" the names "Joseph McDermott and  
15 James Ryan". In whose hand is that written?

16 A. I couldn't tell you, sir.

17 Q. Was it a fact at that time?

18 A. That I was a commission agent?

19 Q. No, that you were a partner of  
20 McDermott's and Ryan's?

21 A. Yes, I would think so.

22 Q. The income disclosed by the 1954  
23 T-1 is \$3,640. What was the source of that  
24 income?

25 A. That is rather difficult to say.  
26 As I mentioned before, I used to file from  
27 one year to the other and ---

28 Q. Well, most people do.

29 A. I used to keep a record of what  
30 I had filed last year on a sheet of paper. For



A. Yes; you could say that.

Q. What is the name of the person?

A. Clifford.

Q. Clifford, however, you. How?

Look at the photograph of the copy of the return

that I gave and tell me whether or not that

photostat is a photostat of your signature as

shown on the paper being introduced?

A. Yes, it is a photostat of my signature.

Q. I am a very busy man, and I

cannot find time to do this.

MR. WYSON: Q. You see that there is

nothing there which is a signature?

of "Partners" the names "Joseph McHenry" and

"James Ryan". In whose hand is that written?

A. I couldn't tell you, sir.

Q. Was it a face at the time?

A. That I was a commission agent?

Q. Yes, that was a part of

McHenry's and Ryan's?

A. Yes, I would think so.

Q. The income disclosed by the 1933

T-1 is \$3,040. What was the source of that

income?

A. That is rather difficult to say.

As I mentioned before, I used to file from

one year to the other and ---

Q. Well, most people do.

A. I used to keep a record of what

I had filed last year on a sheet of paper. For





1 example, this would be December, 1954. Now,  
2 whatever I had declared in '53 I would keep  
3 on a sheet of paper and put away at the end  
4 of '53.

5 Q. Yes?

6 A. And then come '54 when I had to  
7 file again I would get this sheet out and I  
8 would count my money and whatever I increased  
9 from this year I would mark down on this  
10 year and that is what I would declare on.

11 Q. So that at the end of '53 if you  
12 had \$2,000 in cash, I take it, and if at the  
13 end of '54 you had \$5,640, you would then  
14 declare \$3,640 as being your gross income for  
15 that year?

16 A. Provided -- you are speaking about  
17 cash, as I understand you?

18 Q. Well, aren't you talking about  
19 cash?

20 A. No; I would take the difference  
21 in cash plus the difference, the minus or plus,  
22 from my assets from the previous year and  
23 allow for them accordingly, and when I finished  
24 in '54 I ~~was~~ no longer needed this sheet so  
25 I threw it away and I put this one away for  
26 next year.

27 Q. Yes, I follow that. So you  
28 would make two calculations. You would take  
29 your cash figure, reconcile your cash figure  
30 to the end of '53 and to the end of '54 and you



...this was the case in 1924.

Whatever I had declared in '23 I would keep on a sheet of paper and put away at the end

of '23.

Q. Yes?

A. And then come '24 when I had to

file again I would get this sheet out and I

would write on it everything that I had done

from 1923 to 1924 and then I would

put it away and then I would declare it.

Q. So that at the end of '23 to you

had \$2,000 in cash, I take it, and it at the

end of '24 was \$2,500, is that right?

A. Yes, that is correct, but I don't know how

much more.

A. Provided -- you are speaking about

cash, as I understand you?

Q. Well, aren't you talking about

cash?

A. No; I would take the difference

in cash plus the difference, the minus or plus,

from my assets from the previous year and

allow for them accordingly, and when I finished

in '24 I knew no longer needed this sheet so

I threw it away and I put this one away for

next year.

Q. Yes, I follow that. So you

would make two calculations. You would take

your own assets, wouldn't you, from 1923

to the end of '23 and to the end of '24 and you





1 would reconcile your assets positions at the  
2 end of '53 and at the end of '54 and, based  
3 on those calculations, you would make your  
4 declaration?

5 A. That is correct, sir.

6 Q. In working out that figure would  
7 you take into account your living expenses?

8 A. Oh, yes.

9 Q. How would you calculate that?

10 A. Because I would determine what I  
11 figured it cost me to live and I would add it  
12 on or take it off, whatever the case may have  
13 been.

14 Q. How do you take it off?

15 A. Whatever the cash was I would add  
16 it on or take it off. If in this year my  
17 assets I was deducting -- say my assets here  
18 were so much and I listed them here and I made  
19 a deduction, and then my cash, and I added that  
20 on to here, and then I added my cost of living  
21 onto there, that is what I would declare on.

22 Q. What did you figure your cost  
23 of living was, say, in the year 1954?

24 A. Well, it would be hard to say.

25 Q. Just approximately.

26 A. I would say about \$2,500, maybe  
27 \$2,000, or maybe \$2,500.

28 Q. Would that include any cars you  
29 might have purchased in that year?

30 A. No; I wouldn't imagine so. If I



Don't, but let's go out as the car to the

4. A list of names of persons who have been convicted of a crime and who are now in the custody of the State of New York.

• 22V, 100 • A

How much you estimate

of his blow I was avill of an joos of bewyllit

4

How do you feel about it? \*

4. Whatever the cause was I would add

It is on or before 11.00. It is in this year 1911

were so much and I liked them here and I made

a dedication, and then my cash, and I added that

on to here, and then I added my coat of living

no one else would believe me.

A. Well, it would be hard to say.

• 91918120708 3.11 0

A. I would say about \$2,000, maybe

1000, 25 2500, 25



1 purchased a new car that would be an increase  
2 in assets rather than my cost of living. My  
3 cost of living would stay pretty well the same.

4 Q. So your cost of living figure  
5 would not include, say, purchases of cars or  
6 say, trips to Bermuda, Jamaica, the Bahamas,  
7 or wherever you might go?

8 A. No, I wouldn't think they would.

9 Q. Those, the cars and the trips,  
10 those expenses, you would all add just on the  
11 assets position?

12 A. Well now, with regard to a trip,  
13 a trip wouldn't cost me any more to be away  
14 than it would be here because I am a single  
15 man. It wouldn't be any different for me other  
16 than my travelling expenses to and fro.

17 Q. Is that the procedure you followed  
18 through right from '54 to the present time or  
19 right up to, say, 1960, because that is the  
20 last one we have here?

21 A. Yes, sir; I would think that is  
22 the way it was .

23 Q. When did you move into the  
24 Benvenuto?

25 A. It seems to me it would be around  
26 the end of '58 or the first part of '59.

27 Q. How much rent do you pay a month  
28 there?

29 A. Now, sir?

30 Q. Well, yes, when you moved in and now?



Q. Purchased a new car that would be an insurance  
in assets rather than my cost of living. The  
cost of living would stay pretty well the same.

Q. So your cost of living figure  
would not include, say, purchases of cars or  
say, trips to Bermuda, Jamaica, the Bahamas,

A. No, I wouldn't think they would.

Q. Those, the cars and the trips,  
those expenses, you would all add just on the  
assets position?

A. Well now, with regard to a trip,  
a trip wouldn't cost me any more to be away  
than it would be here because I am a single  
man. It wouldn't be any different for me other  
than my travelling expenses to and fro.

Q. Is that the procedure you followed  
through right from '54 to the present time or  
right up to, say, 1960, because that is the  
last one we have here?

A. Yes, sir; I would think that is  
the way it was.

Q. When did you move into the  
apartment?

A. It seems to me it would be around  
the end of '58 or the first part of '59.

Q. How much rent do you pay a month?

A. Now, sir?  
Q. Well, yes, when you moved in and now?





1 A. Well, when I moved in I used to  
2 pay \$400 a month.

3 Q. Yes; what do you pay now?

4 A. I pay \$240 now.

5 Q. When did you stop paying \$400  
6 a month?

7 A. Just hazarding a guess, I would  
8 think it would be possibly a couple of years ago.

9 Q. Going back to this '54 return,  
10 do I understand that throughout that year  
11 you would keep no books at all?

12 A. Pardon?

13 Q. That you would keep no books at  
14 all about your income and your outgo, what  
15 it was costing you to live? You had no books?

16 A. No records; no, sir.

17 Q. So you just kept the whole matter  
18 of your financial position in your head, apart  
19 from this little figure you jotted down at  
20 the end of any given year?

21 A. Yes; that would be right, sir.  
22 I had no sets of books or never kept any sets  
23 of books.

24 Q. What was this man Lawrence doing;  
25 was he preparing these forms for you or were  
26 you preparing them, say, for '54 and later  
27 years?

28 A. No; I used to go in once a year  
29 and sit down and give him my figures and he would  
30 show me how to put them down on paper, and that



1 A. Well, when I moved in I used to  
2 pay \$400 a month.  
3 Q. Yes; what do you pay now?  
4 A. I pay \$240 now.  
5 Q. When did you stop paying \$400  
6 a month?  
7 A. Just preceding a guess, I would  
8 think it would be possibly a couple of years ago.  
9 Q. Going back to this '24 return,  
10 as I understand that was your last year  
11 you would keep no books at all?  
12 A. Pardon?  
13 Q. That you would keep no books at  
14 all about your income and your outgo, what  
15 it was costing you to live? You had no books  
16 A. No, sir.  
17 Q. So you just kept the whole matter  
18 of your financial position in your head, apart  
19 from this little figure you jotted down at  
20 the end of any given year?  
21 A. Yes; that would be right, sir.  
22 I had no sets of books or never kept any sets  
23 of books.  
24 Q. And this was the same thing  
25 was he preparing these forms for you or were  
26 you preparing them, say, for '24 and later  
27 years?  
28 A. No; I used to go in once a year  
29 and sit down and give him my figures and he would  
30 show me how to put them down on paper, and that





1 was about the extent of his --

2 Q. You didn't offer him any documents  
3 to examine or records to check; you simply  
4 told him what the figures were and he set them  
5 out on the return; is that it?

6 A. Yes, that would be correct, sir.

7 Q. Coming to 1955, the T-1 for 1955,  
8 if your copy is the same as mine, you still are  
9 at the same address and you still describe  
10 yourself as self-employed, a commission agent,  
11 and that is struck out, and the word "gambler"  
12 is printed in on this copy. Is that true  
13 of your copy?

14 A. No, it isn't, sir.

15 Q. Well, when did you first start,  
16 to your knowledge, describing yourself as a  
17 gambler?

18 A. Well, according to your document  
19 it is '55. That is probably -- that could  
20 very well be right. This is only a pencilled-  
21 in copy I have here.

22 Q. Then in 1955 your income is  
23 shown, your gross income is shown at \$6,000.  
24 Take it that is arrived at in the same way  
25 that you described for 1954?

26 A. Yes, sir.

27 Q. The next one is 1956 and there  
28 you describe yourself as residing at the same  
29 address and you describe your business or  
30 profession as a gambler, and your gross income



was about the extent of his --

Q. You didn't offer him any documents

to examine or records to check; you simply told him what the figures were and he put them out on the record; is that right?

A. Yes, that would be correct, sir.

Q. Now, the copy in the same as mine, you still are at the same address and you still describe yourself as a gambler, is that correct, and that is struck out, and the word "gambler" is printed in on this copy. Is that true?

A. Yes, sir, that is correct, sir.

Q. Well, when did you first start,

to your knowledge, describing yourself as a gambler?

A. Well, according to your document it is 1955. That is probably -- that could very well be right. This is only a pencilled-in copy I have here.

Q. Then in 1955 your income is shown, your gross income is shown at \$5,000. Is that correct as arrived at in the same way?

A. Yes, sir.

Q. The next one is 1956 and there

you describe yourself as residing at the same address and you describe your business or profession as a gambler, and your gross income



1 for that year is shown at \$10,000; is that  
2 correct?

3 A. Yes, sir; that is what it says.

4 Q. When you came to describe yourself  
5 as a gambler, did you have any consultation  
6 with the Income Tax authorities as to how you  
7 were going to compute your income?

8 A. In '55, sir?

9 Q. Yes, or whatever the first year  
10 was that you described yourself on your return  
11 as a gambler?

12 A. I don't recall any. I don't  
13 recall any, no.

14 Q. I see in 1956, which is the one  
15 we are dealing with, you took a cruise some  
16 place at a cost of \$1,200 on the Empress of  
17 Scotland. You took the full cruise. I take it  
18 to be a Caribbean cruise?

19 A. I don't see it on here, Mr. Wilson.

20 Q. Well, did you take that \$1,200  
21 into account that tax year?

22 A. Oh, yes.

23 Q. Oh, you would. As an expense?

24 A. As an asset.

25 Q. As an asset. Do you mean by that,  
26 a reduction in your asset position?

27 A. It would be an increase, wouldn't  
28 it?

29 Q. The cruise? Well, it all depends,  
30 I guess, on how much you made on the cruise,

1956  
Cruise  
1200



For last year is shown at \$10,000; is that

A. Yes, sir; that is what it says.

as a gambler, did you have any consultation  
with the income tax authorities as to how you

A. In '55, sir?

Q. Now, in 1955, did you have any  
consultation with the income tax authorities as to how you

A. I don't recall one, I don't

Q. I see in 1956, which is the one

we are dealing with, you took a cruise some

place at a cost of \$1,200 on the trip to

Scotland. You took the full cruise. I take it

A. I don't see it on here, Mr. Wilson.

Q. Well, did you take that \$1,200

A. Oh, yes.

A. An answer.

Q. An answer. Do you mean by that,

a reduction in your asset position?

A. It would be an increase, wouldn't it

Q. The answer? Well, it all depends,





1 whether it would be an asset or otherwise?

2 A. I don't know what days you are  
3 referring to, but the end of the next year,  
4 if I had taken that some time after a filing,  
5 I imagine I would put that down as an asset  
6 in order to arrive at a true figure.

7 Q. Well, you would put the cost of  
8 a cruise down as an asset?

9 A. Yes, sir.

10 Q. Would you tell your accountant,  
11 Mr. Lawrence -- is that his name -- about that?

12 A. I don't know whether I would or  
13 not. I mean, I would probably make up my  
14 final figure myself and give him the figures  
15 that I had determined.

16 Q. Well now, at what period of time  
17 did you increase your estimate of your living  
18 expense from \$2,500 to a larger figure or did  
19 it remain constant at \$2,500 in this period  
20 from 1954 to 1960?

21 A. Oh, it couldn't possibly remain  
22 constant, Mr. Wilson. I had bigger expenses  
23 when I moved into the Benvenuto Apartment.  
24 Where I was paying \$60 or \$70 a month for rent,  
25 my rent went up to \$400, so I had to make an  
26 allowance there, didn't I?

27 Q. That's right. At all events,  
28 a cruise such as that would be something  
29 that you would deal with on the assets side,  
30 not the cash side, and you would say you would



A. I don't know what days you are

interested in, but one day of the week you

at I had taken that some time after a filling.

I imagine I would put that down as an asset

in order to make it a real thing.

Q. Well, you would put the cost of

a cruise down as an asset?

A. Yes, sir.

Q. Would you tell your accountant,

Mr. Lawrence -- is that his name -- about that?

A. I don't know. I would

not. I mean, I would probably make up my

mind about that and give him the figures

that I had determined.

Q. Well now, at what period of time

did you increase your estimate of your living

expense from \$2,500 to a larger figure on this

is really a matter of \$1,500 in this period

from that on?

A. Oh, it couldn't possibly remain

constant, Mr. Wilson. I had bigger expenses

when I moved into the Benvenuto apartment.

Where I was paying \$50 a month for rent,

my rent went up to \$400, so I had to make an

allowance there, didn't I?

Q. That's right. At all events,

a cruise such as that would be something

that you would deal with on the assets side,

not the other side, and you would say you would





1 it  
add to your assets?

2 A. That's right. If I hadn't taken  
3 it, I would have had the money, so that is  
4 how I determined it.

5 Q. In 1957, if you will just follow  
6 on your copy ---

7 THE COMMISSIONER: Just a moment. We  
8 are dealing with 1956. He deducted \$1,000 for  
9 his share of business losses.

10 Q. Where did you get that figure,  
11 Mr. Feeley? Do you see it?

12 A. Yes, I do, sir.

13 Q. Where did you get that figure?  
14 Did you lose some money in business?

15 MR. ROSE: I don't see that on this copy,  
16 Mr. Commissioner.

17 MR. WILSON: It appears on all from  
18 1954 through to 1956.

19 A. Personal exemption, I think it  
20 should be. It seems to me that might be wrong.

21 THE COMMISSIONER: Q. Oh, yes, I am  
22 wrong in that.

23 MR. WILSON: It is misleading, Mr.  
24 Commissioner.

25 THE COMMISSIONER: Yes. I am wrong.  
26 That is a personal exemption carried into the  
27 other column. I see it now.

28 MR. WILSON: It is very misleading when  
29 you look at that.

30 Q. Coming to 1957, we find there is





Q. Coming to 1957, we find there is

you look at that.

MR. WILSON: It is very misleading when

other column. I see it now.

That is a personal exemption carried into the

THE COMMISSIONER: Yes, I am wrong.

MR. WILSON: It is misleading, Mr.

THE COMMISSIONER: Oh, yes, I am

should be. It seems to me that might be wrong.

A. I am not sure, I think it

MR. WILSON: It appears on all from

MR. ROBERT: I don't see that on this copy,

did you lose some money in business?

Q. Where did you get that figure?

A. Yes, I do, sir.

MR. ROBERT: Is that the 1957

A. I am not sure, I think it

his share of business losses.

are dealing with 1956. He deducted \$1,000 for

THE COMMISSIONER: Just a moment. We

on your copy ---

Q. In 1957, as you will have before

now I determined it.

is, I would have had the money, so that is

A. I am not sure, I think it

MR. ROBERT: I don't see that on this copy,



1 a change of address from 116 Durie Street to  
2 132 - 6th Street, New Toronto. Do I take it  
3 you were living then, in 1957, at 132 - 6th  
4 Street?

5 A. Not permanently, sir.

6 Q. Where were you living in 1957?

7 A. I am not sure if it was on  
8 Bloor Street West or if it was on the Queensway.  
9 It seems to me it would be one or the other.  
10 I had moved some time in there.

11 Q. Why would you give the address  
12 of 132 - 6th Street for that year?

13 A. Well, I don't know exactly. I  
14 couldn't tell you why I would do that just now.  
15 It may have something to do with my  
16 contemplation of moving. I don't know. But  
17 this property at 132 - 6th Street, certainly I  
18 was a partner in that, and I see no -- I had  
19 a mail box there, and I didn't see anything  
20 wrong in putting that down, sir.

21 Q. Now, for 1957 you show a gross  
22 income of \$12,000. Was that money all from  
23 gambling, as far as any change in your assets  
24 or cash position?

25 A. Was it all from gambling?

26 Q. Yes. Did you have any other  
27 source of income other than gambling or betting?

28 A. Yes.

29 Q. In 1957?

30 A. Yes, I would think so.



Q. A change of address from 112 Duff Street to  
112 - 5th Street, New Toronto. Do I think it  
you were living there, in 1957, at 112 - 5th

A. Not permanently, sir.

Q. Where were you living in 1957?

A. I am not sure if it was on

Blown Street West or if it was on the Greenway.

It seems to me it would be one or the other.

I am not sure if it was in 1957.

Q. Why would you give the address

as 112 - 5th Street, New Toronto?

A. Well, I think it was in 1957.

couldn't tell you why I would do that just now.

It may have something to do with my

contemplation of moving. I don't know. But

this property at 112 - 5th Street, certainly I

was a partner in that, and I see no -- I had

a mail box there, and I didn't see anything

wrong in putting that down, sir.

Q. Now, for 1957 you know a gross

income of \$12,000. Was that money all from

gambling, as far as any change in your assets

or cash position?

A. Was it all from gambling?

Q. Yes. Did you have any other

source of income other than gambling or gaming?

A. Yes.

Q. In 1957?

A. Yes, I would think so.





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Q. What was it?

A. Let me see now. I think I owned some properties in those years.

Q. Did you?

A. I think I owned some properties in those years. Now, I couldn't just tell you what properties they were but any time that I owned properties and had revenues, whatever my portion of revenues from properties would be, it would be taken into account.

Q. And would you show any records -- take it Mr. Lawrence was still preparing these forms for you -- would you tell him anything about any income you had apart from gambling?

(Page 9810 follows)



Q. What was it?

A. It was a small property I owned.

some properties in those years.

Q. Did you?

A. I think I owned some properties

in those years. Now, I couldn't just tell

you what properties I owned and how they

were owned properties and had revenues,

whatever my portion of revenues from properties

would be, it would be taken into account.

Q. And would you show any records --

Make it so. I think you will remember

that from the fact -- would you tell me

anything about any income you had apart from

properties?

(page 100 of 100)



BB/FTP/1

1 A. Oh, yes, I made him aware of any  
2 rents or income that I had.

3 THE COMMISSIONER: It is rather singular  
4 that in all the years we have been reviewing  
5 here, it is always an even figure. In 1954 ---

6 MR. WILSON: That will be true  
7 throughout.

8 THE COMMISSIONER: \$6,000 in 1955; \$10,000  
9 even in 1956; \$12,000 even in 1957. Is it  
10 just a coincidence, Mr. Feeley, or were you  
11 guessing at it or putting it down even  
12 without guessing, just putting down an even  
13 figure?

14 A. No, I wouldn't think it was  
15 coincidence, sir. I would think that I came  
16 within -- if there was \$12,000 and one dollar,  
17 if there was \$12,009, I probably put -- or  
18 \$11,992 I probably made it \$12,000. I would  
19 only be guessing at that, sir, but if it  
20 would have been above \$10 or \$7 -- to the  
21 best of my ability I put down the best I  
22 could with my system.

23 THE COMMISSIONER: Or lack of system.

24 A. That could very well be, sir.

25 MR. WILSON: Q. Then for 1958 we see  
26 that you still described yourself as a  
27 gambler and at the New Toronto address,  
28 and your gross income is \$21,500, is that  
29 correct?

30 A. That is what it says here, Mr.





A. Oh, yes, I made him aware of my

names or initials that I had.

THE COMMISSIONER: It is rather alarming

that in all the years we have been reviewing

here, it is always an even figure. In 1924 --

MR. WILSON: That will be true

statement.

THE COMMISSIONER: \$6,000 in 1924; \$10,000

even in 1925; \$12,000 even in 1927. Is it

not a coincidence, Mr. Wilson, that we

guessing at it or putting it down even

without guessing, just putting down an even

figure?

A. No, I wouldn't think it was

coincidence, sir. I would think I would

within -- if there was \$12,000 and one dollar,

if there was \$12,002, I probably put -- or

\$12,002 I probably made it \$12,000. I would

only be guessing at that, sir, but it is

would have been above \$10 or \$5 -- to the

best of my ability I put down the best I

could with my system.

THE COMMISSIONER: Or lack of system.

A. That could very well be, sir.

MR. WILSON: A. Then for 1928 we see

what you still described yourself as a

cameler and at the New Toronto address,

and your gross income is \$41,500, is that

correct?

A. That is what it says here, Mr.



1 Wilson.

2 Q. Well, is it correct?

3 A. I would think so.

4 Q. You think so. What was the reason  
5 for the substantial increase in the gross  
6 income from \$12,000 in 1957 to \$21,500 in 1958?

7 A. I guess I was a little luckier  
8 that year.

9 Q. Then coming to 1959, we see  
10 for the first time that you are described as  
11 residing at 1 Benvenuto Place, although it is  
12 not very well spelled, it is called "Benvento".  
13 I take it that is the "Benvenuto"?

14 A. Yes, sir.

15 Q. In that year for the first time  
16 we see a breakdown as between general income,  
17 which I take it would be gambling, because  
18 that is what the question is stated to be,  
19 and real estate revenue and investment  
20 revenue, and the total for the three is  
21 \$21,480.02, broken down in this fashion:  
22 "General" -- which I take to be gambling,  
23 am I right in that, because it says "gambling"  
24 here on page 2?

25 A. Yes. The \$15,900?

26 Q. That is right.

27 A. That is what it says here.

28 Q. That is gambling. Real estate  
29 rents, \$3,974.12; investment for mortgages,  
30 \$1,605.90: making up the total that I



Wilson.

Q. Well, in the context

A. I think that is

Q. You think so. What was the reason

for the substantial increase in the gross

income from \$15,000 in 1931 to \$21,500 in 1932?

A. I guess I was a little unclear

that year.

Q. Then coming to 1933, we see

for the first time that the gross income

resulting at I remember place, although it is

not very well spelled, it is called "Benvenuto".

I take it that is the "Benvenuto"?

A. Yes, sir.

Q. In that year for the first time

we see a breakdown as between general income,

which I take it would be gambling, because

that is what the question is asked to be,

and real estate revenue and investment

income, and the total for the year is

\$21,400.02, broken down in this fashion:

"General" -- which I take to be gambling,

and I think in that, because it says "Gambling"

here on page 27

A. Yes. The \$15,000?

Q. Yes, sir.

A. That is what is shown here.

Q. That is correct, isn't it?

A. Yes, sir.

Q. Making up the total that I





1 mentioned of \$21,480.02. I note on that return  
2 the statement attached is headed "Vincent Feeley  
3 and Joseph McDermott".

4 A. On the which, Mr. Wilson?

5 Q. Mr. Registrar, will you show him  
6 this. The copy I have, it has a statement  
7 headed "Vincent Feeley and Joseph McDermott".

8 A. It will be in this one. That  
9 is what it says here.

10 Q. Well, did you prepare that  
11 statement or did Mr. Lawrence?

12 A. I would think that I probably  
13 brought the figures into Mr. Lawrence, these  
14 figures that I had obtained from, I suppose,  
15 rental agents, and gave him the information  
16 and we worked it out probably together.

17 Q. Am I right in saying that the  
18 totals shown there are carried into the  
19 copy of the return that you have?

20 A. \$6,500 -- I have just lost  
21 you there, Mr. Wilson.

22 Q. Well, you haven't got in your  
23 copy of the return the statement that I have  
24 in mine. All I am pointing out to you is  
25 that the result of the statement, the  
26 figures that are shown there are carried  
27 into the copy of the return that you have --  
28 not the statement, of course, but the  
29 resulting figures?

30 A. Are we both talking about this



mentioned of \$21,480.02. I note on this return  
 the statement attached is headed "Vincent Healey  
 and Joseph McGovern".

A. On the return, Mr. Wilson?  
 Q. Yes, Mr. Wilson, that is the return.

Q. The copy I have, it has a statement  
 headed "Vincent Healey and Joseph McGovern".  
 A. It will be in this one. This

is what it says.  
 Q. Well, did you prepare that

statement on the 1st of January?  
 A. I don't know when I prepared it.

Q. Suppose the return is for January, you  
 figured that I had obtained from, I suppose,  
 rental agents, and gave him the information  
 and we worked it out probably together.

Q. Am I right in saying that the  
 rental agents gave you that information?

Q. Yes, that is what I was told.  
 A. Yes, that is what I was told.

Q. You know, Mr. Wilson,  
 Q. Well, you haven't got it yet.

Q. Copy of the return the statement that I have  
 in mine. All I am pointing out to you is

that the result of the statement, the  
 figures that are shown there are carried

into the copy of the return that you have --  
 not the statement, of course, but the

returning figures?

Q. Yes, that is what I was told.





1 top figure of \$3,974.12?

2 Q. That is right.

3 A. And \$1,605.90, is that right?

4 Q. That is right, they are carried  
5 into your return, the copy of which you have.

6 A. I see.

7 Q. Isn't that right? They show  
8 there?

9 A. Well, I would have no -- I haven't  
10 seen these figures here. Are they in this  
11 copy?

12 Q. They are a copy of what you  
13 filed.

14 A. But are these two figures here  
15 in here? I don't see them.

16 Q. It would be half in view of the  
17 fact it is a joint statement for the two  
18 of you. However, they will speak for  
19 themselves. I think we will file both  
20 copies, Mr. Commissioner, and it is just a  
21 matter of mathematics.

22 There is a further statement attached  
23 to that particular return for 1959, it is a  
24 capital cost allowance schedule covering  
25 132 Sixth Street and 9 Smithfield Drive, and  
26 it is headed "James Ryan, Vincent Feeley and  
27 Joseph McDermott". I take it those two  
28 are properties that the three of you had a  
29 joint interest in?

30 A. This is 1959 we are dealing with?





A. This is 1929. We are dealing with

one property as that the three of you had a

Joseph McNamee". I take it there two

as is headed "James Ryan, Vincent Kelley and

122 North Street and 9 Smithfield Drive, and

capital cost allowance schedule covering

to that particular return for 1929, it is a

There is a further statement attached

and is attached.

copies, Mr. Commissioner, and it is just a

themselves. I think we will file both

of you. However, they will speak for

fact it is a joint statement for the two

A. It will be that, I think, on the

in here? I don't see them.

A. But are there two things here

filed.

Q. They are a copy of what you

copy

seen these things here. Are they in this

A. Well I could have as I have

there

Q. That is right, they are carried

into your return, the copy of which you have.

A. I see.

Q. And \$1,000.00, is that right

A. Yes, sir.

Q. That is right.

A. Yes, sir.

Q. That is right.



1 Q. That is right.

2 A. Yes, we had a joint interest in  
3 this property.

4 Q. That would be something your  
5 auditor or your accountant would prepare?

6 A. I am inclined to think so.

7 Q. The next one is for 1960, and  
8 it shows you at 1 Benvenuto Place. There is  
9 a further statement that I should refer to  
10 in the 1959 that is headed "James Ryan,  
11 Vincent Feeley and Joseph McDermott" and  
12 deals with rents and mortgage interest in  
13 regard to the properties at 132 Sixth Street,  
14 New Toronto, 9 Smithfield Drive and 1280  
15 Lakeshore Road. I take it that again would  
16 be something prepared by Mr. Lawrence based  
17 on information you would give him?

18 A. Yes, sir.

19 Q. Then for 1960 you were at  
20 1 Benvenuto Place, but by this time you  
21 ceased, or in this particular one you don't  
22 answer the question "type of business or  
23 profession". Does it show your profession  
24 in your copy?

25 A. No, it does not.

26 Q. Is that ~~xxx~~ just an error?

27 A. I think I was out of business  
28 then.

29 Q. You had retired by this time?

30 A. You might say that, yes.



Q. Now in 1930.

A. Yes, sir.

Q. Then for 1930 you were at I Benvenuto Place, out by this time you

A. I think I was out of business

Q. You had retired by this time?

A. You might say that, yes.

Q. Does it show your profession

A. Answer the question "type of business or

Q. Or in this particular one you don't

A. I Benvenuto Place, out by this time you

Q. Then for 1930 you were at

A. Yes, sir.

Q. On information you would give him?

A. No, it does not.

Q. In that and that an error?

A. I think I was out of business

Q. You had retired by this time?

A. You might say that, yes.

Q. Does it show your profession

A. Answer the question "type of business or

Q. Or in this particular one you don't

A. I Benvenuto Place, out by this time you

Q. Then for 1930 you were at

A. Yes, sir.

Q. On information you would give him?

A. No, it does not.

Q. In that and that an error?

A. I think I was out of business

Q. You had retired by this time?

A. You might say that, yes.





1 Q. All right. Then we look at those  
2 figures and we find that the total is \$13,397.38,  
3 which is made up of \$12,000 from other income  
4 which is not specified -- I take it that that  
5 is gambling, is it?

6 A. Yes, sir.

7 Q. \$1,297.98 from real estate revenue,  
8 and \$99.40 from investment on mortgages, and  
9 there are statements attached in respect of  
10 the rents and income on the properties  
11 at 132 Sixth Street, a lot on Dixie Road,  
12 9 Smithfield Drive, together with a capital  
13 cost allowance schedule, and the lot on Dixie  
14 Road is shown as a loss item, not as a  
15 revenue item. Did you have an interest in  
16 this lot on Dixie Road?

17 A. Yes, sir.

18 Q. Do you still have it?

19 A. It has been disposed of, sir.

20 Q. When?

21 A. Maybe two months, somewhere in the  
22 past few months.

23 THE COMMISSIONER: Q. From whom was that  
24 bought?

25 A. From whom?

26 Q. Yes.

27 A. I believe it was a church. I would  
28 only be guessing, but it seems to me it had  
29 something to do with the church, the Anglican  
30 Church.



Q. All right. Then we look at those

which is made up of \$12,000 from other income

which is not specified -- I take it that that

is gambling, is it?

A. Yes, sir.

and \$32.40 from investment on mortgages, and

there are statements attached in respect of

the rents and income on the properties

at 122 Sixth Street, a lot on Dime Road,

cost allowance schedule, and the lot on Dime

road is shown as a loan loss, not as a

A. Yes, sir.

Q. Do you still have it?

A. It has been disposed of, sir.

Q. When?

A. Maybe two months, somewhere in the

past few months.

THE COMMISSIONER: Q. From whom was this

A. I believe it was a church. I would

only be guessing, but it seems to me it had

something to do with the church, the Anglican

Church.





1 Q. Are you just guessing on that or  
2 are you reasonably certain that that is so?

3 A. Well, no, I am not positive.  
4 It seems to me the church had it and somebody --  
5 something to do with the church. I have  
6 forgotten the details of it.

7 Q. Did you buy that as an investment?

8 A. Yes, sir.

9 MR. WILSON: Q. Well, wasn't that  
10 conveyed to James McDermott?

11 A. I beg your pardon?

12 Q. I have before me a copy of a deed  
13 of 15th August, 1955, from the Incorporated  
14 Synod of the Diocese of Toronto to James  
15 McDermott of the Township of Toronto in the  
16 County of Peel, Clerk. Who was that?

17 A. That would be Joseph McDermott.

18 MR. WILSON: Now, Mr. Commissioner, I  
19 would like to file the copies the witness has  
20 produced, as an exhibit. I would like to  
21 file the photostats of the returns for the  
22 same period as an exhibit, because they  
23 have the statements attached which are not  
24 attached to the witness's copies.

25 THE COMMISSIONER: 1954 to 1960 then  
26 will be Exhibit 255.

27 THE WITNESS: You don't want these, I  
28 take it?

29 MR. WILSON: I do want them filed.

30 A. Will I get these back?





Q. And you just happened on that on

the not reasonably certain that that is not

A. Well, no, I am not positive.

It seems to me the church had it and somebody --

wanting to do with the church. I have

forgot the details of it.

Q. Did you ever see an investigation?

A. Yes, sir.

MR. WILSON: Q. Well, wasn't that

investigation of the church?

A. I beg your pardon?

Q. I have before me a copy of a deed

of 15th August, 1935, from the Incorporated

Synod of the Diocese of Toronto to James

McDermott of the Township of Toronto in the

County of Peel, Clerk. What was that?

A. That would be Joseph McDermott.

MR. WILSON: Q. Now, Mr. McDermott, I

would like to file the copies themselves and

produced, as an exhibit. I would like to

file the photocopies of the records for the

same period as an exhibit, because they

have the statements attached which are not

attached to the witness's copies.

THE COMMISSIONER: 1934 to 1935 then

will be Exhibit B?

THE WITNESS: You don't want them, I

am not

MR. WILSON: I am not sure that

A. Will I get those back?



1 Q. You certainly will.

2 THE COMMISSIONER: These are copies produced  
3 by the witness.

4 MR. WILSON: Yes.

5 ---EXHIBIT NO. 255: Income tax returns, Vincent  
6 Feeley, 1954 to 1960.

7 ---EXHIBIT NO. 256: Copies of Exhibit 255 with  
8 statements attached.

9  
10 MR. WILSON: Mr. Commissioner, I want  
11 to file, because possibly it would be helpful,  
12 a summary of those returns for the years  
13 1954 to 1960, which shows, from the way that  
14 I have described it, because of the fact  
15 there is no breakdown, that for the years  
16 1954 to 1958 inclusive all the income appears  
17 to be shown from the source of the business  
18 or profession of this witness. Then, of course,  
19 for 1959 and 1960 it appears right on the  
20 return as being income from gambling, and  
21 then the other income is segregated.

22 THE COMMISSIONER: What is it you want  
23 to file now?

24 MR. WILSON: A summary ---

25 THE COMMISSIONER: Let me see it.

26 MR. WILSON: I will if Mr. Carty can  
27 find it.

28 THE COMMISSIONER: You can get it later.  
29 Let us get on with something else while he is  
30 looking for that.



THE COMMISSIONER: There are other produced

MR. WILSON: Yes,

---: Income tax returns, Wilson  
records, 1934 to 1935.

---: Copies of Exhibit 25 with  
statements attached.

MR. WILSON: I have

to file, because possibly it would be helpful,

a summary of those returns for the years

1934 to 1935, which shows, from the way that

I have described it, because of the fact

there is no breakdown, that for the years

1934 to 1935 inclusive all the income appears

to be shown from the source of the business

on production of this witness. Then, of course,

for 1935 and 1936 independent right on the

return as being income from gambling, and

that the witness is not

THE COMMISSIONER: What is it you want

to file and

MR. WILSON: A summary --

THE COMMISSIONER: Let me see it.

MR. WILSON: I will let you see it.

1934 to

THE COMMISSIONER: You can get it later.

and we can get with something else later on it

Thank you very much.

25/2





1 MR. WILSON: Well, after the afternoon  
2 recess I will give you that summary.

3 Q. Now, in 1957 there was a loan of  
4 \$13,500 made to the Jordan Club. Do you  
5 recall that loan being made to the Jordan  
6 Club?

7 THE COMMISSIONER: How much?

8 MR. WILSON: \$13,500.

9 THE WITNESS: No, I don't, sir.

10 THE COMMISSIONER: A loan by whom, Mr.  
11 Wilson?

12 MR. WILSON: That is what I am asking  
13 the witness.

14 THE COMMISSIONER: What time had you  
15 said?

16 MR. WILSON: The exact date is not given,  
17 but it appears in the financial return of the  
18 Jordan Club.

19 THE COMMISSIONER: A loan from whom?

20 MR. WILSON: Well, among others, from  
21 this witness.

22 THE COMMISSIONER: Q. Is that right?

23 A. No, sir.

24 Q. You never loaned any money to the  
25 Jordan Club?

26 A. No, sir.

27 THE COMMISSIONER: He says he didn't  
28 lend any money to the Jordan Club.

29 MR. WILSON: Q. You say that you did  
30 not lend any money at all to the Jordan Club?

MR. WILSON: Well, since the afternoon

person I will give you that summary.

Q. Now, in 1917 there was a loan of

\$12,500 made to the Jordan Club. Do you

recall that loan being made to the Jordan

Club?

THE COMMISSIONER: How much?

MR. WILSON: \$12,500.

THE COMMISSIONER: Well, I don't recall.

THE COMMISSIONER: A loan by whom, Mr.

Wilson?

MR. WILSON: That is what I am asking

the witness.

THE COMMISSIONER: What time had you

left?

MR. WILSON: The exact date is not given,

but it appears in the financial return of the

club.

THE COMMISSIONER: A loan from whom?

MR. WILSON: Well, among others, from

the witness.

THE COMMISSIONER: Q. Is that right?

A. No, sir.

Q. You never loaned any money to the

Jordan Club?

A. No, sir.

THE COMMISSIONER: He says he didn't

lend any money to the Jordan Club.

MR. WILSON: Q. You say that you did

not lend any money at all to the Jordan Club?



1 A. No, sir.

2 Q. Did you have an interest in the  
3 loan that was made to the Jordan Club in 1937?

4 A. No, sir.

5 Q. Did you have an interest in the  
6 Jordan Club?

7 A. No, sir.

8 Q. At any time?

9 A. I was a member there.

10 Q. Did you carry on any of your  
11 gambling or betting operations at the Jordan  
12 Club?

13 A. No, sir.

14 Q. Well, in the evidence of Jack Riggs  
15 before this Commission at page 4,606, or  
16 starting at 4,662 -- I think I should start  
17 at 4,661, I am sorry -- he has sworn that  
18 McDermott and yourself went into the Jordan  
19 about the same time as he and Midgely did  
20 and the two of you had the Jordan Club charter.

21 THE COMMISSIONER: What two?

22 MR. WILSON: Feeley and McDermott.

23 Q. Now, first of all, did you go into  
24 that operation about the same time as Riggs  
25 and Midgely?

26 A. No, sir.

27 Q. Along with McDermott?

28 A. No, sir.

29 Q. You are swearing that you had no  
30 interest in any operations that took place on





Q. Did you have an interest in the loan that was made to the Jordan Club in 1937?

A. No, sir.

Q. Did you have an interest in the

Q. Did you have an interest in the

A. I was a member of the

Q. Did you have an interest in the

Q. Did you have an interest in the

A. No, sir.

Q. Well, in the evidence of Jack Riden

before this Committee at page 4,600, or starting at 4,602 -- I think I should have

at 4,602, I am sorry -- he was saying

and the two of you had the Jordan Club charter.

THE COMMISSIONER: What two?

MR. WILSON: Neider and Neider.

Q. Now, that of all, did you go into

that operation about the same time as Riden

and Neider?

A. No, sir.

Q. You are saying that you had no

interest in any operation that took place on



1 the club premises?

2 A. Other than being a member of the  
3 club.

4 Q. Now, did you bank a game at all  
5 at any time on the premises of the club?

6 A. What kind of a game?

7 Q. Well, a bank game.

8 A. No, sir.

9 Q. Did you do any betting on the  
10 operations of the premises?

11 A. Did I do any betting?

12 Q. Yes.

13 A. When, sir?

14 THE COMMISSIONER: At any time.

15 MR. WILSON: Q. At any time?

16 A. I may have made a bet. I have  
17 played cards in there over the period of  
18 years.

19 Q. When Riggs said that McDermott  
20 and yourself had the charter for the Jordan  
21 Club, is that correct or not?

22 A. No, sir.

23 Q. You say he is wrong?

24 A. Yes, sir.

25 Q. Now, that is at page----

26 THE COMMISSIONER: Who did have the charter,  
27 do you know?

28 A. Bobby McLachlan had the charter.

29 Q. That is the man that is dead. How  
30 do you know that?



the club president?

A. Other than being a member of the club.

Q. Now, did you bank a game at all at any time or the president of the club?

A. What kind of a game?

A. With a few games.

A. No, sir.

Q. Did you do any betting on the operations of the president?

A. Did I do any betting?

Q. Yes.

A. When, sir?

THE PRESIDENT: Is that all?

Q. Yes, sir.

A. I may have made a bet. I have banked cards in there over the period of time.

Q. When did you make that bet?

A. and yourself had the chance for the Jordan Club, is that correct or not?

A. No, sir.

Q. You say he is wrong?

A. Yes, sir.

Q. Now, that is at page---

THE COMMISSIONER: Who did have the chance, do you know?

A. Bobby McLaughlin had the chance.

Q. Did you know that?





1 A. Because I knew Bobby McLachlan.

2 Q. How did you know he had the charter?

3 A. Because I knew him. He got the  
4 charter off the fellow that owned it before  
5 him. He told me.

6 Q. Who was the fellow who owned it  
7 before?

8 A. "Doggie" -- Dworkin.

9 Q. How did that charter change hands?  
10 Did he pass it over and say, "Give me so  
11 many dollars for it", or what?

12 A. This particular charter?

13 Q. Yes.

14 A. I wasn't there. I couldn't swear  
15 to how. I would assume that maybe that is  
16 what happened.

17 Q. Just like you buy a piece of  
18 merchandise over the counter?

19 A. Well, it is just like if you want  
20 to buy a mining company or any kind of charter,  
21 and you go into a lawyer's office and he  
22 says, "What name do you like?", and he reaches  
23 up and you pick out a name, whichever one --  
24 very much the same thing.

25 Q. Oh, no, it is not. You say  
26 this man Dworkin held the charter for the  
27 Jordan Club and your friend McLachlan bought  
28 it from him?

29 A. I did not say he did buy it.  
30 I agreed with you, Mr. Roach, but I did not



A. Because I knew Bobby Robinson.

A. Because I knew him. He got the

counter off the fellow that owned it before

Q. Who was the fellow who owned it

before?

A. "Doggie" -- Brooklyn.

Q. How did that counter change hands?

Did he pass it over and say, "Give me so

many dollars for it", or what?

A. This particular counter?

Q. Yes.

A. I wasn't there. I couldn't swear

to how. I would assume that maybe that is

my answer.

Q. Just like you buy a piece of

merchandise over the counter?

A. Well, it is just like if you want

to buy a mining company or any kind of counter,

and you go into a lawyer's office and he

says, "What name do you like?", and he reaches

up and you pick out a name, whichever one --

very much the same thing.

Q. Oh, no, it is not. You say

this man Brooklyn held the counter for the

Jordan Club and your friend Robinson bought

it from him?

A. I did not say he did buy it.

I agreed with you, Mr. Rosen, but I did not



1 say he did. I wasn't there.

2 Q. But that is what he told you?

3 A. Yes, sir.

4 Q. So he gave so many dollars to  
5 McLachlan and McLachlan would give him the  
6 charter and say, "This is it, you now have  
7 the charter", just as simple as that?

8 A. That is about it.

9 MR. WILSON: Q. Now, Riggs at page 4566  
10 was asked at line 12:

11 "Q. What would be the total amount,  
12 "on an average, of the bets made at  
13 "the Jordan Club per day?

14 "A. Oh, it's hard to say. Some  
15 "days there would be more than  
16 "others.

17 "Q. What would be a typical day?

18 "A. An average maybe eight hundred,  
19 "a thousand a day.

20 "Q. Who financed that?

21 "A. We did.

22 "Q. Yes. Who is "we"?

23 "A. The names of that ---

24 "Q. Yourself?

25 "A. Yes.

26 "Q. Name the rest of them again,  
27 "just for my benefit.

28 "A. Midgely and McLachlan and  
29 "McDermott and Feeley."

30 Now, do you swear that this statement by Riggs is





Q. Now, do you want that this statement by him is  
"Moberg and Ferry."  
A. Moberg and Ferry.  
Q. Just for my benefit.  
A. Name the rest of them again.  
Q. Yes.  
A. The names of that --  
Q. Yes. Who is "he"?  
A. We did.  
Q. Yes. Moberg and Ferry.  
A. A thousand a day.  
Q. An average maybe eight hundred.  
A. What would be a typical day?  
Q. On an average, of the boat made at  
the Jordan Club per day?  
Q. What would be the total amount?  
A. That is about it.  
Q. The answer, just as simple as that?  
A. Yes, sir.  
Q. So he gave no money at all to the  
Moberg and Ferry would give him the  
answer and say, "This is it, you now have  
the answer," just as simple as that?



1 not correct?

2 A. I am swearing that I did not have  
3 a piece of the Jordan Club. I don't know  
4 anything about what Riggs said, but I can  
5 probably straighten out why he presumed,  
6 if that is what he said.

7 THE COMMISSIONER: Let us have it now.  
8 Why would he say that?

9 A. He probably presumed that I did.

10 Q. Why would he presume that?

11 A. Because Downs and McLachlan  
12 were partners.

13 Q. In what?

14 A. In the Jordan Club.

15 Q. Downs and McLachlan were partners?

16 A. That is correct, and Downs had  
17 worked for me for years, and he was the  
18 sheet writer of the Jordan Club, and he  
19 wanted me, McDermott and I, to take on a  
20 piece of it.

21 Q. Yes?

22 A. But we would never take a piece  
23 of it because baseball is very different than  
24 horses. Had it been horses alone then we  
25 would have taken a piece of it, but being  
26 that it was baseball business we did not  
27 want anything to do with it.

28 Q. So you and McDermott turned  
29 the proposition down?

30 A. That is right.



4. I am aware that I did not have

a piece of the Jordan Club. I don't know.

anything about what Kline said, but I can

THE COMMISSIONER: Let us have it now.

It would be

Q. Why would he presume that?

\* 6341.53 1987

Figure 6

4. *united nations* 1986-1990

\*9 How much more information has been

That is correct, and Down had

worked for me for years, and he was the

and as the writer of the Jordan Club, and as

wanted me, McGovern, and I, to take on a

It is easy

989Y .0

A. But we would never take a page

or it became essential is very different than

...has it been better since then?

would have taken a piece of it, but he

that it was probably business we did not

were subjected to no other.

RECEIVED BY THE DIRECTOR, FBI, MAY 19 1964

the proposition that

A. J. J. J.





1 Q. What you are pledging your oath to  
2 is that neither you nor McDermott had any  
3 interest in the Jordan Club apart from being  
4 a member and entitled to go and participate  
5 in whatever facilities they had?

6 A. That is right.

7 Q. There was no doubt about that,  
8 that is your ---

9 A. Yes, sir.

10 THE COMMISSIONER: All right.

11 MR. WILSON: Q. And so at page 4605  
12 where he says that he and McLachlan had  
13 15 per cent, and that Midgely and McDermott,  
14 at least that Midgely, Riggs and McDermott  
15 and yourself had the balance, you swear that  
16 is not right?

17 A. That is right, sir.

18 Q. That you never had an interest  
19 directly or indirectly in any of the betting  
20 operations that went on at the Jordan Club?

21 A. What do you mean by -- I don't  
22 know what you mean by "directly or indirectly".

23 Q. "Directly" is if you hold  
24 yourself out in your name and not in an  
25 alias or not through a front. Now, did  
26 you have this interest under another name  
27 or through some nominee of yours whom you  
28 put forward?

29 A. No, sir.

30 Q. What about Downs, what position



Q. What you are pleading your own to

is that neither you nor McArthur had any  
interest in the Jordan Club apart from being  
a member and entitled to go and participate  
in whatever facilities they had?

A. Yes, sir.

Q. There was no doubt about that,

was there --

A. Yes, sir.

Q. Now, Mr. McArthur, all right.

MR. WILSON: Q. And as we page 400?

where he says that he and McArthur had  
is not correct, and that McArthur and McArthur  
at least that McArthur, Kings and McArthur  
and yourself had the balance, you swear that

is not correct

A. That is correct, sir.

Q. That you never had an interest  
directly or indirectly in any of the banking  
operations that went on at the Jordan Club?

A. What do you mean by -- I don't

know what you mean by "directly or indirectly".

Q. "Directly" is if you held

yourself out in your name and not in an  
alias or not through a trust. Now, did  
you have this interest under another name  
or through some nominee of yours when you

put forward?

A. No, sir.

Q. What about bonds, what position





1 was he in the Jordan Club, what interest did he  
2 have?

3 A. Toby had 15 per cent of it.

4 Q. Why did you go with Riggs to Louis  
5 Herman's office to discuss problems about  
6 the charter of the Jordan Club?

7 A. I don't recall this incident you  
8 speak about.

9 Q. Well, at page 4473 he swears that  
10 the two of you went to Herman's ---

11 A. Who does?

12 Q. Riggs does.

13 A. I may have went there with him.

14 Q. Why would you go?

15 A. I don't recall.

16 Q. Are you saying that you at no time  
17 had any interest either directly or indirectly  
18 in any of the operations that were carried  
19 on by McLachlan, Midgely and Riggs in the  
20 way of betting operations on those premises?

21 A. The only interest I had in the  
22 Jordan Club was I was a member of the Jordan  
23 Club.

24 Q. Did you ever finance any of the  
25 betting operations that were carried on  
26 there?

27 A. No, sir.

28 THE COMMISSIONER: Did you ever finance  
29 the Jordan Club or any one carrying on an  
30 operation under that name at those premises?

BB/3





was he in the Jordan Club, what interest did he have?

A. Tony had 15 percent of it.

Q. Why did you go with Riggs to Louis

Herbert's office to discuss problems about

the transfer of the Jordan Club?

A. I don't recall.

appears about.

Q. Well, at page 4473 he answers that

the way he felt about it.

A. Who does?

Q. Riggs does.

A. I may have went there with him.

Q. Why would you go?

A. I don't recall.

Q. Are you saying that you at no time

had any interest either directly or indirectly

in any of the operations that were carried

out at Louisiana State or other places?

any of betting operations on those premises?

A. The only interest I had in the

Jordan Club was I was a member of the Jordan

Club.

Q. Did you ever finance any of the

betting operations that were carried on

there?

A. No, sir.

THE COMMISSIONER: Did you ever finance

the Jordan Club or any one carrying on an

operation there?



1 A. In which way?

2 Q. In any way whatsoever?

3 A. No, sir.

4 Q. Neither you nor McDermott?

5 A. Neither I nor McDermott, to the  
6 best of my knowledge. I would say "no" for  
7 him, too.

8 THE COMMISSIONER: I see, all right.

9 MR. WILSON: Q. You are not trying to  
10 draw a line, are you, between the Jordan Club  
11 as a club carrying on any operations, and  
12 any betting operations that might have been  
13 carried on on their premises?

14 A. Pardon?

15 Q. What I am saying to you is that  
16 on the basis of Riggs' evidence, McLachlan,  
17 Riggs, Midgely, McDermott and yourself all  
18 had a financial interest in the betting  
19 operations that took place on those premises;  
20 it was not under the name of the Jordan Club  
21 the betting was carried on, but those people  
22 that I named were carrying on those  
23 operations. Now, I take it you are swearing  
24 that you never had any interest directly or  
25 indirectly in any such betting operations?

26 A. With those three people in the  
27 Jordan.

28 Q. All right, we will start with  
29 those three people. I named four people as  
30 a matter of fact -- McLachlan, Midgely, Riggs



any betting operations that might have been  
as a club carrying on any operations, and  
than a line, and you, between the Jordan Club  
Mr. Wilson: O. You are not trying to  
The Commissioner: I see, all right.

Q. What I am saying to you is that

A. With those three people in the





1 and McDermott?

2 A. I am saying -- if you want to know  
3 if I was partners with them in the Jordan Club,  
4 or backing them or something like that, is  
5 that what you want to know?

6 Q. It was betting or any financial  
7 interest that you might have had in such  
8 operations?

9 A. No, I had no financial interest.

10 THE COMMISSIONER: The Jordan Club was  
11 just a name, put it that way? There were  
12 four or five individuals there. It is said  
13 you were one of them, and that the four --  
14 forget the name for a moment, call it the  
15 "New Moon" Club or anything you like, but  
16 there were four persons there carrying on  
17 an operation, and it is said you were one  
18 of them. Do you deny it?

19 A. Yes, sir.

20 MR. WILSON: Q. What reason would Riggs  
21 have to swear that you and McDermott had an  
22 interest in the operation?

23 A. Maybe he thought we did.

24 Q. When you are head of a betting  
25 operation where there are several people  
26 involved, don't you make a settlement from  
27 time to time of the profits or losses?

28 A. I would think so, yes.

29 Q. Well, you know so, don't you?

30 A. Yes.



and McDermott?

A. I am saying -- if you want to know

if I was partners with them in the Jordan Club,

or backing them or something like that, in

fact what you want to know?

Q. Is this dealing in any financial

interest that you might have had in some

operation?

A. No, I had no financial interest.

Q. Now, the name of the club was

just a name, but it was what? There were

four or five individuals there. Is it right

you were one of them, and that the town --

forget the name for a moment, call it the

"New Moon" Club or anything you like, but

that is the name of the club, is it?

an operation, and it is said you were one

of them. Do you deny it?

A. Yes, sir.

MR. WILSON: Q. What reason would there

have to arise that you and McDermott had an

interest in the operation?

A. I would think so, yes.

Q. When you are head of a business

operation where there are several people

involved, don't you make a settlement from

time to time of the profits or losses?

A. I would think so, yes.

Q. Well, you know so, don't you?





1 Q. Did you ever make any settlements  
2 with Midgely, Riggs, McLachlan, with regard to  
3 any betting operations carried on in these  
4 premises?

5 A. Did I make any settlements?

6 THE COMMISSIONER: No need to repeat it,  
7 Mr. Feeley.

8 A. No. I had no interest with them  
9 in any betting operations.

10 MR. WILSON: Q. Were you an officer  
11 of the Jordan Club?

12 A. An officer, director of the  
13 charter? No, I was not, sir.

14 Q. Why would you<sup>be</sup> going down with  
15 Riggs to see Herman about the charter?

16 A. I don't recall the incident,  
17 Mr. Wilson, but I know Mr. Herman for quite  
18 some years and I could have verywell gone  
19 into -- I have known Jack Riggs for many  
20 years and I could have been in Mr. Herman's  
21 office with Mr. Riggs.

22 Q. Well, didn't you introduce Riggs  
23 on that occasion to Herman? He didn't know  
24 him before, did he?

25 A. There again, Mr. Wilson, I don't  
26 recall the particular incident you are  
27 talking about, but I may have. I couldn't  
28 swear to it. I could not confirm it or I  
29 could not deny it.

30 Q. Well, Riggs was a pretty experienced





Q. Did you ever make any settlement

with Nigely, Riggs, Melachian, with regard to

any betting operations carried on in these

premises?

A. Did I make any settlement?

THE COMMISSIONER: No need to repeat it.

Mr. Feeley.

A. No. I had no interest with them

in any betting operations.

MR. WINSTON: Q. Were you an officer

of the Jordan Club?

A. At what time, please?

chartery? No, I was not, sir.

Q. Why would you be going down with

them to the Jordan Club?

A. I don't recall the incident.

Mr. Winston, but I know Mr. Herman for quite

some years and I could have very well gone

into -- I have known Jack Riggs for many

years and I could have been in Mr. Herman's

company with Mr. Riggs.

Q. When would you have known Riggs

in that capacity in the past? He would have

known before, did he?

A. Yes, sir, but I don't

recall the particular incident you are

talking about, but I may have. I couldn't

swear to it. I could not confirm it or I

could not deny it.

Well, Riggs was a pretty experienced



1 man in the gambling fraternity in this area,  
2 wasn't he, to your knowledge?

3 A. You mean at Toronto?

4 Q. Yes, Toronto area?

5 A. Yes, I would think so.

6 Q. And he would know how, if betting  
7 operations were conducted, wouldn't he? I  
8 mean, based on his evidence here it would  
9 appear that he would know?

10 A. Yes, I would think so.

11 Q. And being an experienced gambler  
12 like yourself, why would he be in any doubt  
13 as to whether or not you and McDermott had  
14 a piece of this operation?

15 A. Because McLachlan and Downs owned  
16 the charter of the Jordan Club, and Downs had  
17 a fifty per cent and McLachlan had fifty  
18 per cent, and that is what Downs wanted us to  
19 do, was come in and take a portion, my bank  
20 loan putting up money to take a portion of  
21 his fifty per cent. So I don't know where  
22 Riggs got it, whether Downs told him that  
23 or Downs told McLachlan or where they got  
24 the idea, but that is not uncommon at all.  
25 I could see where it could get confused and  
26 maybe think that.

27 Q. You think he was confused about  
28 who Downs represented, is that it?

29 A. Well, I don't know what was  
30 going on in his mind, Mr. Wilson, but that



man in the gambling fraternity in this area.

Q. Now, you say that the man who was

A. You mean at Toronto?

Q. Yes, Toronto.

A. Yes, I would think so.

Q. And he would know how it betting

operations were conducted, wouldn't he? I

mean, based on his evidence here it would

mean that he would know.

A. Yes, I would think so.

Q. And being an experienced gambler

like yourself, why would he be in any doubt

as to whether or not you and McDermott had

a good system of betting?

A. Yes, I would think so.

Q. The character of the Jordan Club, and Down had

a fifty per cent and Melachuk had fifty

per cent, and that is what Down wanted us to

do, was come in and take a position, boy, damn

loan putting up money to take a position of

his fifty per cent. So I don't know where

rights got it, whether Down told him that

or Down told Melachuk or where they got

the idea, but that is not unknown at all.

I could see where it could get confused and

into other things.

Q. You think he was confused about

who Down represented, is that not

right? Well, I don't know what you

said on to his mind, Mr. Wilson, but that





1 could have been.

2 Q. At page 4460 he also swore that  
3 you and McDermott looked after the security  
4 measures that were required for that club.  
5 Do you deny that?

6 A. Yes.

7 Q. Did you ever have anything to do  
8 with the security measures so far as that  
9 club and any betting operations carried on  
10 in those premises were concerned?

11 A. I don't know what your definition  
12 of security is, sir.

13 Q. Well, I think security, when you  
14 are operating a gambling establishment or a  
15 betting establishment, is to try and see that  
16 the police do not successfully raid it.

17 A. The police were in and out of  
18 there all of the time. There was no security  
19 there. The doors were wide open. The only  
20 security that they ---

21 Q. All I want you to swear to one  
22 way or the other, did you have anything to  
23 do with any security measures so far as any  
24 betting or gambling operations that took  
25 place on that club premises?

26 MR. ROSE: How can he swear to that,  
27 Mr. Commissioner? He said as far as he  
28 knows there is no security, there was no  
29 security, and he cannot be asked to swear ---

30 THE COMMISSIONER: He can only answer



Q. At page 4400 is also where this

you and the Government found after the security

measures that were required for that time.

Do you deny that?

Q. Did you ever have anything to do

with the security measures as far as this

time and any testing operations carried on

in these premises were concerned?

A. I don't know what your definition

of security is, sir.

Q. Well, I think security, when we

are operating a gambling establishment or a

testing establishment, is to try and see that

the police do not necessarily find it.

A. The police were in and out of

there all of the time. There was no security

there. The doors were wide open. The only

answer that I can give you is

Q. All I want you to answer is was

any of the other, did you have anything to

do with any security measures as far as any

testing or gambling operations that took

place on that time premises?

MR. ROBERT: Now can he swear to that?

MR. COMMISSIONER: He will as far as he

knows there is no security, there was no

security, and he cannot be asked to swear ---

THE COMMISSIONER: He can only answer





1 what he knows.

2 MR. WILSON: Sometimes his definitions  
3 get him a little mixed up. I just want to be  
4 sure, but I think, Mr. Commissioner, you are  
5 satisfied it is all right.

6 THE COMMISSIONER: Who were the persons  
7 who were down to see the head of the C.N.R.,  
8 Mr. Gordon, about the line in the Jordan  
9 Club?

10 MR. WILSON: That was Mr. Humphrey.

11 MR. MACKINNON: Mr. Maloney and Mr.  
12 McDermott.

13 MR. WILSON: Yes, and Mr. McDermott.

14 THE COMMISSIONER: Do you know anything  
15 about that?

16 A. What is that, sir?

17 Q. About the representations -- you  
18 knew the line that had been in the Jordan  
19 Club, the service that the C.N.R. had been  
20 giving was discontinued?

21 A. Yes, I was aware of it.

22 Q. How did you know about some  
23 representations that were made to Mr. Gordon  
24 at Ottawa or Montreal (I don't know which)  
25 as to that?

26 A. Yes, I believe I was aware of  
27 that.

28 Q. Who informed you about it?

29 A. I don't know now who. It may have  
30 been Mr. Humphrey, it may have been Mr.





What he knows.

Q. Now, I am going to ask you a few questions.

A. Yes, I am aware of it.

Q. Now did you know about some

statements it is all right.

Q. Now, I am going to ask you a few questions.

A. Yes, I am aware of it.

Q. Now, I am going to ask you a few questions.

Q. Now, I am going to ask you a few questions.

A. Yes, I am aware of it.

Q. Now, I am going to ask you a few questions.

Q. Now, I am going to ask you a few questions.

A. Yes, I am aware of it.

Q. Now, I am going to ask you a few questions.

Q. Now, I am going to ask you a few questions.

A. Yes, I am aware of it.

Q. Now, I am going to ask you a few questions.

A. Yes, I am aware of it.

Q. Now, I am going to ask you a few questions.

A. Yes, I am aware of it.

Q. Now, I am going to ask you a few questions.

A. Yes, I am aware of it.

Q. Now, I am going to ask you a few questions.

A. Yes, I am aware of it.

Q. Now, I am going to ask you a few questions.

A. Yes, I am aware of it.

Q. Now, I am going to ask you a few questions.

A. Yes, I am aware of it.

Q. Now, I am going to ask you a few questions.

A. Yes, I am aware of it.

Q. Now, I am going to ask you a few questions.



1 McDermott, it may have been Downs, it may have  
2 been McLachlan. I couldn't swear to who it  
3 was.

4 Q. No one went down on your behalf?

5 A. On my behalf?

6 Q. Yes.

7 A. No, sir.

8 MR. WILSON: Mr. Commissioner, are you  
9 going to take a break this afternoon?

10 THE COMMISSIONER: Yes, I am. Are you  
11 going to be able to get that reference?

12 MR. WILSON: I am just checking now. I  
13 can get it possibly before we adjourn.

14 Q. Mr. Gebertig at page 239 has  
15 sworn that Feeley and McDermott had an interest  
16 in the Jordan Club. Are you swearing that  
17 what Mr. Gebertig has sworn here is wrong?

18 THE COMMISSIONER: To be consistent  
19 you must.

20 A. I don't know what testimony Mr.  
21 Gebertig gave. I am saying that I had no  
22 interest other than being a member in the  
23 Jordan Club, and that I was not any betting  
24 partner.

25 MR. WILSON: Q. He then went so far as  
26 to say that the two of you were the moving  
27 spirits behind the club.

28 A. Well, no. I was there and I spent  
29 a lot of time around the Jordan Club, but I  
30 was a member there. I am not denying that.



Robertson, it may have been down, it may have  
been Robinson. I couldn't swear to this it  
was.

Q. No one went down on your boat?  
A. Yes.

A. No, sir.

Q. Going to take a break this afternoon?  
THE COMMISSIONER: Yes, I am. Are you  
going to be able to get that statement?

MR. WILSON: I am just checking now. I  
can get it sometime before we adjourn.  
Q. Mr. Robertson, are you 25?

Q. I am 25 years old. I am not 26.  
Q. I am not 26. I am not 27.  
Q. I am not 27. I am not 28.  
Q. I am not 28. I am not 29.  
Q. I am not 29. I am not 30.  
Q. I am not 30. I am not 31.  
Q. I am not 31. I am not 32.  
Q. I am not 32. I am not 33.  
Q. I am not 33. I am not 34.  
Q. I am not 34. I am not 35.  
Q. I am not 35. I am not 36.  
Q. I am not 36. I am not 37.  
Q. I am not 37. I am not 38.  
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Q. I am not 127. I am not 128.  
Q. I am not 128. I am not 129.  
Q. I am not 129. I am not 130.  
Q. I am not 130. I am not 131.  
Q. I am not 131. I am not 132.  
Q. I am not 132. I am not 133.  
Q. I am not 133. I am not 134.  
Q. I am not 134. I am not 135.  
Q. I am not 135. I am not 136.  
Q. I am not 136. I am not 137.  
Q. I am not 137. I am not 138.  
Q. I am not 138. I am not 139.  
Q. I am not 139. I am not 140.  
Q. I am not 140. I am not 141.  
Q. I am not 141. I am not 142.  
Q. I am not 142. I am not 143.  
Q. I am not 143. I am not 144.  
Q. I am not 144. I am not 145.  
Q. I am not 145. I am not 146.  
Q. I am not 146. I am not 147.  
Q. I am not 147. I am not 148.  
Q. I am not 148. I am not 149.  
Q. I am not 149. I am not 150.

MR. WILSON: Q. He then went to the  
to say that the two of you were the members  
of the board of the club.

A. Well, no. I was alone and I spent  
a lot of time around the Jordan Club, but I  
was a member there. I am not a member there.





1 MR. WILSON: There is one further reference  
2 I would like to check.

3 THE COMMISSIONER: All right, ten minutes.

4 ---A short recess.  
5  
6  
7

8 (Page 9834 follows)  
9  
10  
11  
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CC/1/NG

1 ---On resuming at 4:15 p.m.

2  
3 MR. WILSON: Q. In the evidence of  
4 D.G. Humphrey in these proceedings, he gave  
5 testimony as to various clubs in which McDermott  
6 and yourself had an interest. At page 3806 --  
7 starting at the bottom of page 3805, he speaks  
8 about the Jordan Club and he is asked:

9 " All these places were  
10 "places where McDermott and Feeley  
11 "had an interest, is that what you  
12 "are telling us?

13 "A. Yes, they had some interest."

14 Now, would Humphrey be in a position to know  
15 whether you and McDermott had some interest  
16 in the Jordan Club, for example?

17 A. I would not think so, sir.

18 Q. Would Gebirtig be in a position  
19 to know whether you had an interest and  
20 McDermott had an interest in that club?

21 A. Not to my knowledge he wouldn't.

22 Q. And would Riggs not be in a  
23 position to know, if he was one of the operators  
24 or had an interest in it himself, whether you  
25 had an interest?

26 A. I can see where Riggs may have  
27 got that impression due to the fact Downs  
28 was the sheet writer for the Jordan for years  
29 and Downs was after McDermott and I dozens  
30 of times and Downs and McLaughlin being such



---On reaching at 4:15 p.m.

Q. Now, in the testimony of

A. Hargney in these proceedings, he gave testimony as to various clubs in which McDermott and yourself had an interest. At page 3805 --

starting at the bottom of page 3805, he speaks

about the Jordan Club and he is asked:

"All these places were

"had an interest, isn't that what you

"are telling me?

"A. Yes, they had some interest."

Now, would Hargney be in a position to know

whether you and McDermott had some interest

in the Jordan Club, for example?

A. I would not think so, sir.

Q. Would Gossard be in a position

to know whether you had an interest and

McDermott had an interest in that club?

A. Not to my knowledge he wouldn't.

Q. And would Hays not be in a

position to know, if he was one of the operators

or had an interest in it himself, whether you

had an interest?

A. I can see where Hays may have

got that impression due to the fact Downs

was the secret writer for the Jordan for years

and Downs was older McDermott and I doesn't

of James and Downs and McDermott being such



1 close buddies and McLaughlin running the Jordan  
2 Club and Downs writing the sheet, I would  
3 think that Downs could have discussed it.  
4 That is only a conjecture on my part but I  
5 can see that Downs would be handling the sheet  
6 and McLaughlin would be doing whatever he  
7 was doing running the front end, that any of  
8 those people could have got the impression  
9 that they did or maybe Downs told him.  
10 I don't know that, sir.

11 Q. And Turner, H.L. Turner, had  
12 been mixed up in the Jordan Club too, wasn't  
13 he?

14 A. Turner worked at the Jordan  
15 Club for McLaughlin.

16 Q. And worked for you at the Centre  
17 Road?

18 A. No, Turner did not work at the  
19 Centre Road.

20 Q. At no time?

21 A. No, I don't believe he did, sir.  
22 He was a director of the club.

23 Q. Mr. Commissioner, I have found  
24 that summary of returns made in Exhibits 255  
25 and 256. It might possibly be of some help  
26 when we have other evidence on that point.

27 THE COMMISSIONER: 257.

28  
29 ---EXHIBIT NO. 257: Summary of returns.

30 MR. WILSON: Q. Now coming to the



else besides and McLaughlin running the Jordan  
club and Down waiting the sheet, I would  
only be only a conjecture on my part and I  
can see that Down would be handling the sheet  
and McLaughlin would be doing whatever he  
was doing running the front end, that any of  
those people could have got the impression  
that they did or maybe Down told him.

Then't know that, sir.

Q. And Turner, H.L. Turner, had

any other information about this case, would he?

A. Turner worked at the Jordan

club for some time.

Q. And worked for you at the Geneva

club?

A. No, Turner did not work at the

Geneva club.

Q. At no time?

A. No, I don't believe he did.

He was a director of the club.

Q. Mr. Commissioner, I have found

that summary of returns made in Exhibit 222

and 226. It might possibly be of some help

when we have other evidence on that point.

THE COMMISSIONER: All right.

—DIRECTOR: Yes, thank you.

MR. WILSON: Q. Now coming to the





1 investment you made in 91 Wellesley Street in  
2 1957, there was cash totalling \$47,632.06  
3 paid by way of deposit, down payment and  
4 discharge of the Canada Permanent Mortgage that  
5 was on the property at the time of purchase.  
6 To what extent did you contribute to the cash  
7 outlay that was made at that time?

8 A. I just lost you, Mr. Wilson.  
9 It is \$47,000?

10 Q. I said \$47,632.06.

11 A. Yes, sir.

12 Q. To refresh your memory, the  
13 transaction was closed April 24th, 1957, and on  
14 that date you gave to Humphrey and Locke  
15 \$22,632.06 or you and McDermott did.

16 A. Yes, sir.

17 Q. What I am asking you is how much  
18 of the \$47,000-odd did you contribute?

19 THE COMMISSIONER: He wants to know how  
20 you made up the \$23,000.

21 THE WITNESS: I am lost there.

22 THE COMMISSIONER: Wait a minute.

23 MR. WILSON: Humphrey and Locke were  
24 acting as solicitors on the transaction and  
25 would have had money to close the transaction.

26 THE COMMISSIONER: They had to get  
27 \$25,000.

28 MR. WILSON: They had to get \$47,632.

29 THE COMMISSIONER: How do you make up  
30 the \$47,000?



investment you made in 21 Westley Street in

1937, there was cash totaling \$47,532.00

paid by way of deposit, down payment and

discharge of the Canada Permanent Mortgage Fund

was on the property at the time of purchase.

It was about the 1st of January, 1937, that

you came to the bank to get the money.

Yes, that was the day, 1937.

Yes, that was the day.

Q. I said \$47,532.00.

A. Yes, sir.

Q. Now, when you came to the bank,

the transaction was closed April 24th, 1937, and on

that date you gave to Humphrey and Locke

\$42,532.00 on you and Robinson's bid.

A. Yes, sir.

Q. What I am asking you is how much

of the \$47,000-odd did you contribute?

THE COMMISSIONER: He wants to know how

you made up the \$42,000.

THE WITNESS: I am lost there.

THE COMMISSIONER: Wait a minute.

MR. WILSON: Humphrey and Locke were

acting as solicitors on the transaction and

would have had money to close the transaction.

THE COMMISSIONER: They had to get

\$42,000.

MR. WILSON: They had to get \$47,532.

THE COMMISSIONER: Now do you make up





1 MR. WILSON: That is made up by a  
2 deposit of \$3,000, a down payment of \$22,000,  
3 a discharge of the Canada Permanent Mortgage  
4 and fees.

5 THE COMMISSIONER: Not at the time they  
6 acquired it, as I understand it. The history  
7 of that, as I understood your evidence this  
8 morning, is as follows: In April, 1957, the  
9 premises were bought for \$81,500, a down  
10 payment of \$25,000 cash. Title was taken in  
11 the name of Pleschuk. In January, 1959,  
12 it was sold to Femal Investments or however  
13 you pronounce it for \$120,000; a cash payment  
14 of \$50,000 and mortgage for \$70,000 taken  
15 back to Locke, who was trustee for McDermott  
16 and Feeley. I don't know where you get the  
17 ~~\$47,000~~ \$47,000.

18 MR. WILSON: I got the \$47,000 because  
19 the accountants have examined the records  
20 of Humphrey and Locke and they find that these  
21 moneys were used for the purpose of closing  
22 out this transaction.

23 THE COMMISSIONER: What do you mean,  
24 closing it out? Closing out the purchase?

25 MR. WILSON: The original purchase.

26 THE COMMISSIONER: Not according to  
27 the history that you gave this morning through  
28 the witness. All the cash that was required  
29 when they purchased it was \$25,000 subject  
30 to adjustments and you said there were two





MR. WILSON: That is made up by a  
deposit of \$2,000, a down payment of \$28,000,  
a discharge of the Canada Permanent Mortgage  
and fees.

THE COMMISSIONER: Not at the time they  
submitted it, but I understand it, the money  
was paid in full.

morning, as follows: In April, 1955, the  
premises were bought for \$31,500, a down  
payment of \$25,000 cash. While was taken in  
the name of Pleschuk. In January, 1959,

it was sold to Royal Investment Co. however  
you purchased it for \$150,000; a cash payment  
of \$50,000 and mortgage for \$100,000 taken  
from the bank.

and Reelov. I don't know where you got the  
\$47,000.

MR. WILSON: I got the \$47,000 because  
the accountants have examined the records  
of Harpner and Locke and they find that these  
monies were used for the purpose of closing.

THE COMMISSIONER: What do you mean?

MR. WILSON: I mean the money was used  
to pay the mortgage.

THE COMMISSIONER: Not according to  
the history that you gave this morning through  
the witness. All the cash that was received  
when they purchased it was \$25,000 subject  
to adjustment and you said there were two



1 mortgages. I did not ask for details of the  
2 mortgages.

3 MR. WILSON: You see, I gave you the  
4 bald details this morning but the record of  
5 the solicitors for McDermott and Feeley show  
6 that they received on March 30th from Vincent  
7 Feeley the sum of \$22,000 and also on April  
8 24th, Feeley gave Humphrey and Locke the sum  
9 of \$22,632.06.

10 THE COMMISSIONER: That is \$44,000-odd.

11 MR. WILSON: Yes. I should have  
12 mentioned earlier in chronological order that  
13 on February 11th, Feeley gave Humphrey and  
14 Locke the sum of \$3,000. That makes up  
15 \$47,632. These were moneys he turned over  
16 to Humphrey and Locke according to their records.

17 THE COMMISSIONER: I don't know how  
18 that fits into the pattern of the purchase if  
19 the evidence is as you gave it to me this  
20 morning. All that was required to purchase  
21 that property was cash of \$25,000.

22 MR. WILSON: It was.

23 THE COMMISSIONER: There were two  
24 mortgages.

25 MR. WILSON: The deposit and the down  
26 payment represented \$25,000.

27 THE COMMISSIONER: There were two  
28 mortgages. I didn't enquire into the details.  
29 I take it there were either mortgages given  
30 back or mortgages assumed.



newspaper. I did not ask for details of the

newspaper.

MR. WILSON: You see, I gave you the

held details this morning but the record of

the collectors for Hester and Zelevy show

that they received on March 30th from Vincent

about \$2,000.00, and also on April

1st, \$1,000.00, and also on April

of \$2,000.00.

THE COMMISSIONER: That is \$4,000.00.

MR. WILSON: Yes. I should have

mentioned earlier in chronological order that

on January 1st, Zelevy gave \$1,000.00

and on March 30th, \$2,000.00.

MR. WILSON: That is \$3,000.00.

THE COMMISSIONER: I don't know how

that \$1,000.00 was given to the printer.

the evidence is as you gave it to me this

morning. All that was required to purchase

that property was cash of \$25,000.

MR. WILSON: It was.

THE COMMISSIONER: There were two

newspapers.

MR. WILSON: The deposit and the

THE COMMISSIONER: There were two

newspapers. I don't know how the

I take it there were other newspapers given





1       MR. WILSON: What happened was that  
2       the existing first mortgage in favour of  
3       Canada Permanent Mortgage was paid off at a  
4       cost of \$22,632.06.

5       THE COMMISSIONER: How much?

6       MR. WILSON: \$22,632.06. And that  
7       included fees as well as the payment off of  
8       the mortgage.

CC/2 9       THE COMMISSIONER: You say that makes  
10       \$25,000 cash to the vendor, the payment of  
11       the Canada Permanent Mortgage by the purchaser.

12       MR. WILSON: Plus fees incidental to  
13       the transaction. That adds up to \$47,632.06.

14       THE COMMISSIONER: What was the other  
15       mortgage? You said there were two mortgages.

16       MR. WILSON: That was given back to the  
17       vendor.

18       THE COMMISSIONER: How much was it?

19       MR. WILSON: It was for the difference.  
20       I haven't got the figure.

21       THE COMMISSIONER: Haven't you got the  
22       record there?

23       MR. WILSON: The second mortgage given  
24       back was \$37,000. That became the first  
25       mortgage when the Canada Permanent was paid  
26       off.

27       THE COMMISSIONER: How much was it?

28       MR. WILSON: \$37,000.

29       THE COMMISSIONER: The purchase price  
30       was \$81,500. There was a mortgage given back



MR. WILSON: What happened was that

the existing first mortgage in favour of  
Canada Permanent Mortgage was paid off at a  
cost of \$22,032.05.

THE COMMISSIONER: How much?

MR. WILSON: \$22,032.05, and that

included fees as well as the payment off of  
the mortgage.

THE COMMISSIONER: The two mortgages

the first and the second, the first was

the Canada Permanent Mortgage by the purchaser.

MR. WILSON: Plus fees incidental to

the transaction. That adds up to \$22,032.05.

THE COMMISSIONER: What was the other

mortgage? You said there were two mortgages.

MR. WILSON: That was given back to the

vender.

THE COMMISSIONER: How much was it?

MR. WILSON: It was for the difference.

I think it was \$1,000.

THE COMMISSIONER: Haven't you got the

second mortgage?

MR. WILSON: The second mortgage given

back was \$1,000. That became the first

mortgage when the Canada Permanent was paid

off.

THE COMMISSIONER: And that was it?

MR. WILSON: Yes, sir.

THE COMMISSIONER: The second mortgage

was \$1,000. There was a mortgage given back





1 of \$37,000. That makes \$44,500 that had to  
2 be cash.

3 MR. WILSON: The difference would be  
4 represented by fees and taxes and so on.

5 THE COMMISSIONER: What you want to know  
6 from the witness is where this \$47,000 came  
7 from.

8 MR. WILSON: I am saying to the witness  
9 on February 11th, he paid Humphrey and Locke  
10 \$3,000. On March 30th, he paid them \$22,000  
11 and on April 24th, he paid them \$22,632.06.

12 THE COMMISSIONER: This witness?

13 MR. WILSON: This witness.

14 THE COMMISSIONER: What was the date  
15 of the last payment?

16 MR. WILSON: April 24th.

17 THE COMMISSIONER: Q. \$47,632. You  
18 heard that, witness. Mr. Wilson wants to  
19 know where that money came from.

20 A. As I recall the transaction -- this  
21 is all from memory, Mr. Wilson -- there was  
22 only \$25,000 involved in that deal. I don't  
23 know where you got your figure but to the  
24 best of my knowledge, I only laid out \$25,000  
25 and possibly a few dollars disbursements.  
26 I think there must be some mix-up here.

27 Q. You paid out that yourself, this  
28 \$25,000?

29 A. Yes, sir.

30 Q. And McDermott would lay out an



of Ind 8507 600,000 round bolts . . . 600,000 \$ 20

THE DISTANCE YOU'D BE

From the witness is shown this \$7,000 came

RECEIVED BY THE DIRECTOR, FBI, APR 11 1964

and on April 24th, he said that \$25,000.

THE COMMUNICATIONS UNIT : 9 SEP 74

4. As I recall the transaction - this

It is all from memory, Mr. Wilson -- there was

Job I Job I at Devlopt 000,000,000,000

known where you got your first job?

about of my knowledge, I only said out 424, 400

I think there must be some mix-up here.

100-443887-100

418 89Y .A

113 300 981 616W 78cmx50cm box. . .



1 equal amount?

2 A. No, sir.

3 Q. He did not?

4 A. No, sir. There was only  
5 \$25,000 needed to consummate the transaction.

6 Q. You put all the money up?

7 A. I took the money in to Mr. Locke.

8 Q. Was it your money?

9 A. Some of it would be mine; some  
10 of it would be McDermott's.

11 Q. Between you and McDermott, \$25,000  
12 only was put up?

13 A. That is from my recollection of  
14 the deal. There was only -- it seems to me  
15 that the purchase price was \$1,5,25 was put up.  
16 Now, the 25 may have been -- what Locke got  
17 could have very well been allocated to somebody  
18 other than the owners. I don't know, but to  
19 the best of my recollection, I only put up  
20 \$25,000.

21 Q. You and McDermott put up \$25,000?

22 A. Yes.

23 MR. WILSON: Q. Then when the Canada  
24 Permanent Trust mortgage was paid off on  
25 April 24th, the records show you provided  
26 the money for that purpose which was \$19,534.35.

27 A. Is this another mortgage?

28 Q. That was the then existing first  
29 mortgage at the time of purchase which was paid  
30 off on closing.



Q. Now, what was the transaction?

A. Yes, sir.

Q. He did not?

A. Yes, sir.

Q. \$25,000 needed to consummate the transaction.

A. You put all the money up?

A. I took the money in to Mr. Locke.

Q. Was it your money?

A. Some of it would be mine; some

of it would be McNamee's.

Q. Between you and McNamee, \$25,000

only was put up?

A. That is from my recollection of

the deal. There was only -- it seems to me

that the purchase price was \$15,000 was put up.

Now, the \$25 may have been -- what Locke got

could have very well been allocated to somebody

other than the owners. I don't know, but to

the best of my recollection, I only put up

\$25,000.

Q. You and McNamee put up \$25,000?

A. Yes.

Q. Now, what was the transaction?

A. Permanent trust mortgage was paid off on

April 24th, the records show you provided

the money for that purchase which was \$15,000.

A. Is this another mortgage?

Q. That was the then existing first

mortgage at the time of purchase which was paid

off on closing.





1 A. \$19,000?

2 THE COMMISSIONER: I thought you said it  
3 was \$22,632.

4 MR. WILSON: The figure, as I said,  
5 is \$19,500 which has to be -- to that has to  
6 be added \$2,000 in commission paid to John  
7 Feeley, the witness's brother, and \$489.45  
8 transferred to Humphrey and Locke general  
9 account. So that the total amount he gave  
10 them was not merely the \$19,500 - \$19,534 -  
11 it was \$22,632.06.

12 Q. Now I am asking you whether you  
13 took that money in as their records indicate,  
14 apart from the \$25,000?

15 A. I don't recall, Mr. Wilson.  
16 As I have said here, the only money I recall  
17 giving Locke to close the deal and was  
18 necessary to close the deal was the original  
19 \$25,000 in the offer to purchase. There must  
20 be a copy of the offer to purchase. It would  
21 illustrate that.

22 THE COMMISSIONER: Q. Stop at that.  
23 After this purchase, did you and McDermott  
24 together or you alone or McDermott alone give  
25 Locke money to pay off the Canada Permanent  
26 Mortgage?

27 A. Not to my knowledge.

28 MR. WILSON: Q. Who paid it off?

29 A. I don't know that. I don't know  
30 that. It wouldn't be -- that wouldn't be up



THE COMMISSIONER: I thought you said it

was \$22,500.

MR. WILSON: The figure, as I said, is \$12,500 which has to be -- to that has to be added \$2,000 in commission paid to John Kelly, the witness's brother, and \$400.00 transferred to Humphrey and Locke General account. So that the total amount he gave them was not merely the \$12,500 -- \$12,500 --

it was \$22,500.

Q. Now I am asking you whether you took that money in as their record income, apart from the \$25,000?

A. I don't know, Mr. Wilson.

As I have said here, the only money I recall

always being in their account was the original necessary to close the deal was the original \$25,000 in the offer to purchase. There must be a copy of the offer to purchase. It would

illustrate that.

THE COMMISSIONER: Yes, yes, yes.

After this purchase, did you and the

together or you alone or McDermott alone give

Locke money to pay off the Canada Government

debt?

A. Not to my knowledge.

MR. WILSON: Q. Who paid it off?

A. I don't know that. I don't know

that. It wouldn't be -- that wouldn't be up





1 to us, would it?

2 THE COMMISSIONER: Sure. You were the  
3 owners.

4 MR. WILSON: Mr. Commissioner, I will  
5 bring other evidence and we will have that  
6 covered.

7 Q. Now in Exhibit 255 for the year  
8 1957, you show no operating result for the  
9 Wellesley apartments. Why was that not shown?

10 A. Showed to who?

11 Q. It doesn't appear in your return  
12 to the Government for 1957 or 1958.

13 A. Well, I would compute it on  
14 my income. That would be all figured in.

15 Q. You would show -- you would take  
16 that into account, your share of it?

17 A. Oh, yes, sure.

18 Q. Now who made the payment on  
19 the \$37,000 mortgage to Joseph Newman following  
20 the purchase of that property?

21 A. As I recall it, Mr. Wilson,  
22 the rent used to go into the management agency  
23 and in turn they would send cheques to whoever  
24 owned the mortgage.

25 Q. That is, your brother would look  
26 after that?

27 A. Yes.

28 Q. Now in 1958, the sum of \$20,000.00.  
29 was deposited in an account known as the  
30 Monteith Special Account with Davidson and Company.





to us, would it?

MR. WITNESS: Mr. Commissioner, I will

bring other evidence and we will have this

covered.

Q. Now in Exhibit 25 for the year

1937, you show no operating results for the

Wholesale Apartments. Why was that not shown?

A. Shown to what?

Q. It doesn't appear in your return

for the year 1937.

A. Well, I would compare it on

my income. That would be all figured in.

Q. The whole thing -- your whole

tax return -- is that correct?

A. Oh, yes, sure.

Q. Now who made the payment on

the \$25,000 loan on 1937?

A. The payment on that loan

was made by Mr. Wilson.

Q. The rent used to go into the management agency

and in turn they would send cheques to whoever

owned the mortgage.

Q. That is, your brother would look

after that?

A. Yes.

Q. Now in 1938, the sum of \$50,000

was deposited in an account known as the

Special Account with the Federal Reserve Bank.



1 Who deposited that money?

2 A. I believe that would be Mr.  
3 Monteith.

4 Q. Mr. A.R. Monteith?

5 A. Yes, sir.

6 Q. And where would he get the \$20,000  
7 from?

8 A. May I just have a word with the  
9 Commissioner? This is rather complicated.

10 MR. MACKINNON: I can't hear.

11 THE COMMISSIONER: We better tell Mr.  
12 Wilson. This was a rather complicated matter.

13 THE WITNESS: This is a rather complicated  
14 affair here and may involve someone who is  
15 involved in a public mining company and I  
16 think in all fairness to the shareholders of  
17 this company or any public company, I be  
18 allowed to write this rather than relate it.

19 THE COMMISSIONER:, All right, what is  
20 the question?

21 MR. WILSON: I am asking who deposited  
22 the sum of \$20,000 in an account known as  
23 the A.R. Monteith Special Account with  
24 Davidson and Company in 1958 -- A.B. Monteith.  
25 My brief shows A.R., a little error here.

26 THE COMMISSIONER: Q. You are asked  
27 that question. You want to write down the  
28 name of the person?

29 A. Well, I think I have already  
30 answered Mr. Wilson's question, didn't I, sir?



A. I believe that would be Mr.

Q. Mr. A.R. Montebello?

A. Yes, sir.

Q. And where would he get the \$20,000?

From?

A. May I just have a word with the

Commissioner? This is rather complicated.

Mr. Montebello, I am sorry.

THE COMMISSIONER: He never told Mr.

Wilson. This was a rather complicated matter.

THE COMMISSIONER: This is a rather complicated

affair here and may involve someone who is

involved in a public mining company and I

think it all belongs to the shareholders of

this company or any public company, I do

not intend to write this rather than what is.

THE COMMISSIONER: All right, what is

the question?

MR. WILSON: I am asking who deposited

the sum of \$20,000 in an account known as

the A.R. Montebello account?

MR. WILSON: I am asking who deposited

the sum of \$20,000 in an account known as

the A.R. Montebello account?

THE COMMISSIONER: You have to write down the

name of the person.

A. Well, I think I have already

answered Mr. Wilson's question, didn't I, sir?





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MR. WILSON: Q. No, you haven't, tell us where the money came from.

A. Oh, you asked me the question again just then, who deposited it?

Q. Where did the money come from?

---(Witness writes)

THE COMMISSIONER: All right. Now he has written it down. Show that name to Mr. Wilson.

MR. WILSON: He has written down a name here.

Q. Did you have any interest in this company you mention here?

A. No, sir.

Q. What was your interest in this A.B. Monteith Special Account?

A. On his recommendation, I and some associates purchased some stock.

(Page 9850 follows)



MR. WILSON: Q. No, you haven't, tell

me, have you?

A. Oh, you asked me the question again

last time, didn't you?

Q. Where did the money come from?

---(Witness writes)

THE COMMISSIONER: All right. Now he

has written it down. Show that page to

Mr. Wilson.

MR. WILSON: It is the same page.

Yes, that's

Q. And you have not changed it

since you got the original?

A. No, sir.

Q. What was your interest in this

A.B. Institute?

A. On his recommendation, I and some

others purchased some stock.

(Page 9850 follows)



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MR. WILSON: Q. What stock did you

purchase?

THE COMMISSIONER: Q. On whose recommendation,

Monteith's?

A. Yes, sir.

MR. WILSON: Q. Did you have any --

THE COMMISSIONER: Just a moment.

Q. On his recommendation who purchased?

A. I and some associates.

Q. The \$20,000 had to be paid for that purchase. Is that what you say?

A. Yes, sir.

Q. And \$20,000 came from, you say, the company whose name you wrote down?

A. Yes, sir.

MR. MACKINNON: May I have a look at that name, sir?

THE COMMISSIONER: Yes.

MR. WILSON: Frankly, I do not know why there should be any secrecy about it.

THE COMMISSIONER: Q. Well, the money that came from this particular source that you have written down was in payment of shares that went to you and McDermott?

A. That's right, sir. That is right, sir.

Q. You said you and associates?

A. Yes, sir.

Q. Were there others besides McDermott?

A. Yes, sir.





THE UNITED STATES OF AMERICA

vs.

JOHN EDGAR HOOVER

Defendant

1. Yes, sir.

MR. WISDOM: Did you have any --

THE COMMISSIONER: Just a moment.

Q. On his recommendation and approval?

A. I and some associates.

Q. The \$20,000 had to be paid for

that purchase. In what way, you say?

A. Yes, sir.

Q. And \$20,000 came from, you say,

the company whose name you wrote down?

A. Yes, sir.

MR. WISDOM: May I have a look at that

name, sir?

THE COMMISSIONER: Yes.

MR. WISDOM: Certainly, I do not know why

there should be any secrecy about it.

THE COMMISSIONER: Well, you want

that come from this particular source and

you have written down was in payment of

shares that went to you and McGowan?

A. That's right, sir. That is

right, sir.

Q. You said you and McGowan?

A. Yes, sir.

THE COMMISSIONER: All right, please

1. Yes, sir.



1 Q. What security did this party get  
2 for the \$20,000?

3 A. They didn't get any securities.  
4 The recommendation to buy this certain stock  
5 came from Monteith and the stock didn't go up.  
6 We guaranteed that on his recommendation  
7 that this -- advised by Monteith to buy this  
8 stock and when the stock didn't go up the  
9 account needed money. So, on his recommendation  
10 he made -- the principals stand good, from  
11 where he got his information, advanced the  
12 money against the stock.

13 MR. WILSON: Mr. Commissioner, the  
14 reason I am interested in this account --

15 THE COMMISSIONER: Q. In your expression,  
16 Mr. Feeley, I have lost you. I do not  
17 understand that at all.

18 MR. WILSON: Maybe if I gave you the  
19 history of that account, Mr. Commissioner,  
20 you could follow it.

21 Q. Following the deposit of this  
22 \$20,000 on January 30, 1959, there was  
23 transferred out of that account funds to  
24 Vincent Feeley, on January the 30th, 1959,  
25 of \$9,614.27, and the balance of \$10,385.73  
26 was transferred to J. McDermott. So that  
27 the entire \$20,000 was transferred out of  
28 there as of January the 30th, 1959, to this  
29 witness and Joseph McDermott. Possibly if  
30 I show you the photostat of that account it



Q. When recently did this party get

the money?

A. I don't know, but I believe it

was recommended to pay this money from

came from Montreal and the book didn't go up.

We guaranteed first on his recommendation

that this -- advised by Montreal to pay this

stock and when the stock didn't go up the

account needed money. So, on his recommendation

he made -- the principal stand good, from

where he got his information, advanced the

money against the stock.

Q. Now, Mr. Wilson, the Commission, was

there I am interested in this account --

the Commission, is it not?

Q. Yes, I have lost you. I do not

understand what he said.

Q. Now, Mr. Wilson, says if I gave you the

history of that account, Mr. Commissioner,

you could follow it.

Q. Following the receipt of this

\$20,000 on January 30, 1938, there was

transferred out of that account funds to

Vicent Feeley, on January the 30th, 1938,

of \$2,614.24, and the balance of \$10,385.76

was transferred to the account of the

the entire \$10,000 was transferred out of

there as of January the 30th, 1938, to this

witness and Joseph McDermott. Possibly it

I show you the proceeds of that account is





1 will show what happened to the \$20,000 and why I  
2 am interested in it.

3 THE COMMISSIONER: Well, to go back to  
4 the gate by which we entered:

5 Q. We were asking where did the  
6 \$20,000 come from, and you gave the name of  
7 the party from whom it came. The stock was  
8 issued to you and McDermott, is that right,  
9 the shares?

10 A. No, sir, they weren't issued;  
11 they were in the account.

12 Q. And you paid for them, the money  
13 had been deposited?

14 A. This money had been allocated to  
15 them.

16 Q. Quite so. So this party was  
17 putting up the money to pay for shares that  
18 were allotted to you and McDermott?

19 A. Yes. Yes.

20 Q. I am right, so far?

21 A. Yes, sir; yes, sir.

22 Q. Then, why was this party doing  
23 that? What security did that party get  
24 for the money that was put up?

25 A. He didn't get any security. It  
26 was on Monteith's recommendation that the  
27 stock would go up and we couldn't lose that  
28 we bought it.

29 Q. I understand that. Then, it did  
30 not go up and this party still put up the



all the time was spent in the house and not out.

am interested in it.

The Commission? Well, to go back to

the gate by which we entered;

2. We went out by the side of the

\$20,000 some from, and you gave the name of

the party who was in the house. The party was

issued to you and McGovern, is that right?

the answer?

A. No, sir, they weren't issued;

they were in the account.

Q. And you paid for them, the money

was paid for them?

A. This money had been allocated to

them.

Q. Give so. So this party was

putting up the money to pay for money that

were allotted to you and McGovern?

A. Yes, sir.

Q. I am right, no?

A. Yes, sir, yes, sir.

Q. Then, why was this party doing

that? What security did that party get

for the money that was put up?

A. He didn't get any security. It

was on McGovern's recommendation that the

stock would go up and we couldn't lose that

money. I understand that. Then, it did

not go up and this party still put up the





1 money and, then, when the money was returned --  
2 Was it returned from Davidson & Company? Is  
3 this the distribution of the money from  
4 Davidson & Company?

5 MR. WILSON: That is the distribution;  
6 the money did not go back to the named  
7 person.

8 THE COMMISSIONER: Is this the distribution  
9 made by Davidson & Company?

10 MR. WILSON: That is right.

11 THE COMMISSIONER: Q This money went  
12 back to you and McDermott?

13 A. Only to the credit of an account.

14 Q. The funds were transferred to  
15 you and McDermott, \$20,000?

16 A. Do you mind if I have a look at  
17 that, sir?

18 Q. Did you get the money?

19 A. No, sir. Here it is here (indicating).

20 --- (The witness's voice becomes inaudible.)  
21

22 THE REPORTER: I am sorry, my lord, I  
23 cannot hear the witness.

24 THE COMMISSIONER: He is pointing out  
25 some figures, that is all.

26 Q. Speak up so everybody can hear  
27 you. Speak loud enough so I can hear you.

28 A. What does Mr. Wilson want to know?  
29 He has not asked me any question.

30 MR. WILSON: Q. What I took from that





Q. Now, when you say that the money was not returned —

A. It was not returned, that is correct, but

it was not returned to the bank, it was

Davidson & Company?

MR. WILSON: That is the distinction;

the money did not go back to the bank.

Person.

THE COMMISSIONER: Is this the distinction?

made by Davidson & Company?

MR. WILSON: That is right.

THE COMMISSIONER: Of this money went

out of the bank?

A. Only to the credit of an account.

Q. The funds were transferred to

you and McGarrett, \$20,000?

A. Yes, that is what I have stated.

Now, sir,

Q. Did you get the money?

A. No, sir. Here it is here (indicating).

—(The witness's voice becomes audible.)

THE WITNESS: I am sorry, my lord, I

cannot hear you.

THE COMMISSIONER: He is pointing out

some figures, that is all.

Q. Speak up so everybody can hear.

Now, speak loud enough so I can hear you.

A. What does Mr. Wilson want to know?

He has not asked me any question.

MR. WILSON: Q. What I want to know is



1 statement and from the statements attached,  
2 which are the Feeley and McDermott personal  
3 accounts with Davidson & Company, the  
4 amounts mentioned in the Monteith special  
5 did go into their personal accounts in the  
6 amounts stated. The witness said he had a  
7 guarantee from the named company.

8 A. I said Monteith.

9 Q. Monteith. And to the extent of  
10 the \$20,000 they divided between them that  
11 amount because the stock did go down despite  
12 the guarantee you would be -- They had  
13 guaranteed you would not lose anything/  
14 Isn't that what it amounts to?

15 A. In essence I follow you, yes.

16 Q. If we turn to the personal account  
17 of yourself, a photostat of which is attached  
18 from Davidson & Company, we see that you  
19 deposited cash in your personal account  
20 with Davidson, and in these amounts on these  
21 dates: On August 28, 1958, \$10,000; on  
22 August 19 --

23 A. Just a moment, Mr. Wilson.

24 Q. Do you find that one?

25 A. \$10,000.

26 Q. \$10,000 on August 28, 1958?

27 A. That is right.

28 Q. On August 19, 1959, \$5,000?

29 A. Just a moment, please. August the  
30 19th, 1959, \$5,000; yes, sir.



Statement of the witnesses is as follows:

which are the Feeley and Kobermeyer personal

accounts with Davidson & Company, the

amounts mentioned in the Montreal special

and to these their personal accounts in the

amount stated. The witness said he had a

guarantee from the named company.

A. I said Montreal.

Q. Now, did you see the \$20,000

the \$20,000 they divided between them that

amount because the stock did go down despite

the company's loss of --

guaranteed the stock and the company.

Isn't that what it amounts to?

A. It amounts to \$10,000, yes.

Q. If we turn to the personal accounts

of yourself, a photostat of which is attached

from Davidson & Company, we see that you

deposited cash in your personal accounts

with Davidson, and in these amounts on those

dates: On August 28, 1928, \$10,000; on

August 29 --

A. That is correct, Mr. witness.

Q. Do you find that only

A. \$10,000.

Q. \$10,000 on August 28, 1928?

A. That is right.

Q. Is there any other \$10,000?

A. Just a moment, please. August the

1st, 1928, \$10,000, yes.





1 Q. September 21, 1959, \$5,000?

2 A. Yes, sir.

3 Q. October 21, 1959, \$7,889.18?

4 A. Yes, sir.

5 Q. And, then, in that personal account  
6 you will also see, as of January the 30th, 1959,  
7 your share of the \$20,000 was credited to  
8 that personal account?

9 A. \$9,614.27?

10 Q. Yes?

11 A. Yes, sir.

12 Q. So, this \$27,889.18 I have  
13 spoken about, represented by the four deposits  
14 of cash by you, those were deposits made by  
15 you personally?

16 A. That is the first time I have  
17 heard of 27,000.

18 Q. I am just adding up the four  
19 figures you checked off.

20 A. Well, if that is what they total,  
21 sir, I would concur with you.

22 Q. That would be you, personally?

23 A. Do you mean did I put the money  
24 up personally?

25 Q. Yes.

26 A. I don't know whether it would be  
27 me or McDermott, or whether he put money in  
28 my account or I put money in his account.  
29 I couldn't swear to that, Mr. Wilson.

30 Q. Attached to that is a photostat



Q. Attached to that is a photograph of Mr. Wilson.

my account or I put money in his account.

me or McDermott, or whether he put money in

A. I don't know whether it would be

up personally?

A. Do you mean did I put the money

Q. That would be your responsibility?

him, I would consult with you.

A. Well, at that time I was not

figures you checked off.

Q. I am just asking up the money

heard of \$7,000.

A. That in the first time I have

you personally?

of cash by you, those were deposits made by

spoken about, represented by the four deposits

Q. So, this \$7,000.18 I have

A. Yes, sir.

Q. Yes.

A. \$9,614.27?

Q. Yes.

Q. And, then, in that personal account

you will also see, as of January the 30th, 1930,

your share of the \$20,000 was credited to

Q. Yes, sir.

A. Yes, sir.

Q. Yes, sir.



1 of the McDermott personal account. On May 28,  
2 1958, there was deposited in that account  
3 \$6,000?

4 A. Yes, sir.

5 Q. On January 28, 1959, another  
6 \$6,000?

7 A. Yes, sir.

8 Q. On January 29, 1959, \$1,197.75?

9 A. Yes, sir.

10 Q. Were these moneys yours or  
11 McDermott's moneys?

12 A. Well, there, again, I don't know  
13 which one of us, or both of us, or who paid  
14 for it. This was a sort of round robin  
15 transaction. There were five people  
16 involved in this transaction.

17 Q. You and McDermott?

18 A. Yes, sir.

19 Q. And who else?

20 A. Sam Hersch.

21 Q. Yes?

22 A. David Downs.

23 Q. Yes?

24 A. And one Lambert Albury.

25 Q. What was the interest of McDermott  
26 and yourself in these two accounts in the  
27 names of McDermott personally and yourself  
28 personally?

29 A. Well, that's only half of the  
30 story. The other half of the overall transaction

DD/2





on the McDermott personal account, on May 20,

that, that was the amount of the money

\$2,000.

A. Yes, sir.

Q. Was that the amount of the money

\$2,000?

A. Yes, sir.

Q. On January 22, 1932, \$2,121.73

A. Yes, sir.

Q. Was that the amount of the money

transacted?

A. Well, there, again, I don't know

which one of us, or both of us, or who paid

for it. This was a part of some money

transacted. There were five people

involved in this transaction.

Q. You and McDermott?

A. Yes, sir.

Q. Was that the amount of the money

transacted?

A. Yes.

Q. Was that the amount of the money

transacted?

A. And one Lambert Albany.

Q. What was the interest of McDermott

and yourself in these two accounts in the

names of McDermott personally and yourself

personally?

A. Well, that's only half of the

story. The other half of the overall transaction



1 here is Simple Finance.

2 THE COMMISSIONER: Is what?

3 MR. WILSON: Simple Finance. You remember,  
4 that was the company they sought to incorporate.

5 THE COMMISSIONER: Yes.

6 MR. WILSON: And in which this witness  
7 said he put certain moneys in and which he  
8 got back.

9 Q. What has Simple Finance to do with  
10 the moneys deposited in these two accounts  
11 by yourself and McDermott?

12 A. Well, we were all five people  
13 involved in the two transactions. Equal  
14 partners.

15 Q. Equal interests?

16 A. Yes, sir.

17 Q. When that account of yours, for  
18 example, was closed out there was 14,800  
19 shares of Jacobus delivered out to you.  
20 Would that be for you personally or the five  
21 of you?

22 A. Oh, that's everybody together.

23 Q. Then, out of the McDermott  
24 personal account there was delivered out to  
25 him 1,000 shares of Jacobus and 20,000 shares  
26 of Yale Lead. Would that be for McDermott  
27 or the five of you?

28 A. Oh, no, for everybody.

29 Q. For everybody. Was the stock  
30 ultimately sold?



THE COMMISSIONER: In what

THE COMMISSIONER: In what

THE COMMISSIONER: In what

that was the company they sought to incorporate.

THE COMMISSIONER: Yes.

MR. WELSH: And in which this witness

said he put certain money in and which he

got back.

Q. What has Single Finance to do with

the money deposited in these two accounts

BY JACOBUS AND WELSH?

A. Well, we want all five people

invested in the company.

partners.

Q. What interest?

A. Yes, sir.

Q. When that account of yours, for

example, was closed out there was \$4,000

shares of Jacobus delivered out to you.

would that be for you personally or the five

of you?

A. The whole thing was

Q. Then, out of the \$4,000

personal account there was delivered out to

and 1,000 shares of Jacobus and \$3,000 shares

of Yale Road. Would that be for McBurnett

or the five of you?

A. Oh, no, for everybody.

Q. For everybody. Was the stock





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A. Yes, sir.

Q. Was there a profit or loss on the operation?

A. Well, as I recall it, we broke about even.

Q. In other words, you got your money back?

A. Yes, sir.

Q. And on the basis of the total deposit of roughly \$50,000 your share would be what, about \$8,000?

A. Well, --

Q. If my figures are right?

A. No, there was a loss to this account.

Q. A loss of how much?

A. Of -- Well, not as far as we were concerned, no. We broke even. Whatever money our -- us people put up we broke about even.

Q. Because you got the \$20,000 paid into the two accounts to indemnify you, as I understand your evidence, against any loss?

A. Hm-hmm, hm-hmm.

Q. Now, to whom did you sell the Jacobus and Yale Lead?

A. Monteith sold that.

Q. Through the Exchange?

A. No. As I recall, he sold it out of the country.



Q. Now, sir,

Q. Was there a profit or loss on this

operation?

A. Well, as I recall it, no profit

or loss.

Q. In other words, you got your

money back?

A. Yes, sir.

Q. And on the basis of the total

deposit of roughly \$50,000 your share would

be about \$10,000?

A. Well, --

Q. It is fifteen per cent?

A. No, there was a loss to that

amount.

Q. A loss of how much?

A. Of -- Well, not as far as we

were concerned, no. We broke even. Whatever

money our -- our people put up we broke even.

even.

Q. Because you got the \$50,000 paid

into the two accounts so intimately you, as I

understand your evidence, against any loss?

A. --

Q. Now, to whom did you sell the

stock and this land?

A. Monaghan sold that.

Q. Through the partnership?

A. No. As I recall, he sold it out

of the company.





1 Q. Sold it out of the country?

2 A. Yes, but I wasn't with him. You  
3 would have to ask him about that.

4 Q. Is he still around?

5 A. Who is that?

6 Q. Mr. Monteith?

7 A. As far as I know, from the last  
8 time I was on the Street, he was in business  
9 the other day.

10 THE COMMISSIONER: Q. He sold it out of  
11 the country. Do you know where?

12 A. I believe it was in Nassau.

13 MR. WILSON: Q. Why would he do that?  
14 apparently

15 A. Well, he got the best price for  
16 it there.

17 THE COMMISSIONER: Q. Are the stocks  
18 listed here?

19 A. Yes, sir.

20 Q. Somebody in Nassau would pay more  
21 than the amount offered on the Stock Exchange  
22 here. Is that what you mean?

23 A. No, I didn't say that, sir. I  
24 don't know what -- It seems to me it would  
25 be about -- The stock, when it was ultimately  
26 sold, would be a little bit more than the  
27 market here. I just don't have that all  
28 too clear in my mind but it seems to me it  
29 was a little more than the bid was here in  
30 Canada.

MR. WILSON: Q. Now, we have heard about



Q. Sold is out of the country?

A. Yes, but I wasn't with him, you

would have to ask him about that.

Q. Is he still around?

A. Who is that?

Q. The man who was with you?

A. As far as I know, from the last

time I was on the street, he was in business

the same way.

THE COMMISSIONER: Q. He sold it out of

the country. Do you know where?

A. I believe it was in Kansas.

MR. WILSON: Q. Why would he do that?

A. Well, he got the best price for

it there.

THE COMMISSIONER: Q. Are the notes

still there?

A. Yes, sir.

Q. Somebody in Kansas would pay more

than the amount offered on the Green Exchange

here. Is that what you mean?

A. No, I didn't say that, sir. I

don't know what -- It seems to me it would

be about -- The stock, when it was withdrawn

sold, would be a little bit more than the

market here. I just don't have that all

too clear in my mind but it seems to me it

was a little more than the bid was here in

Kansas.

MR. WILSON: Q. Now, we have heard evidence



1 a Gardner mortgage of five thousand odd, the  
2 moneys having been supplied to Humphrey and  
3 Locke to pay it off. What did you have to  
4 do with that transaction?

5 A. I think that was quite a few years  
6 ago. Is that right, Mr. Wilson? I have  
7 forgotten the date of it.

8 Q. Well, the date of that was  
9 May, 1958.

10 A. McDermott and I -- Oh, I am a  
11 little confused here. This mortgage came  
12 out of Humphrey's office. Is that right?

13 Q. Well, the moneys to pay it off  
14 came out of Humphrey's office, yes.

15 A. I am just a little confused here.

16 Q. It came in, as the evidence goes  
17 at the moment, from McDermott and yourself.

18 A. It seems to me that McDermott  
19 took up a collection. I put something in  
20 and he put something in and he took up a  
21 collection amongst the gambling fraternity  
22 and that's how the funds were raised.

23 Q. Well, the entry of the Humphrey  
24 and Locke's ledger sheet shows the sum of  
25 \$5,050 was deposited in trust for you and  
26 that money was used to pay off the mortgage.

27 Are you telling<sup>us</sup> this was as a result of  
28 some collection from gamblers and it was  
29 merely put in your name --

30 A. First of all, I have to tell you



a certain mortgage of five thousand odd, the

money being used for the purpose of

making to pay it off. What did you have to

do with that transaction?

A. I think that was quite a few years

ago. In that right, Mr. Wilson? I have

remembered you said to me

that the money was used for the purpose of

making to pay it off.

A. Yes, that is correct.

little continued here. This mortgage came

from the mortgage of the property in the

of the property in the

came out of Humphrey's office, yes.

A. I am just a little continued here.

Q. It came in, as the evidence goes

at the moment, from McDermott and yourself.

A. It seems to me that McDermott

look up a collection. I put something in

and he put something in and he took up a

collection among the gambling fraternity

and that's how the funds were raised.

Q. Well, the entry of the Humphrey

and Jack's ledger sheet shows the sum of

\$5,000 was deposited in trust for you and

that money was used to pay off the mortgage.

Are you telling me this was as a result of

some collection from gamblers and it was

merely put in your name --

A. That of all, I have to tell you





1 this, in all fairness to you and myself, that I  
2 am a little confused because Mr. Humphrey did  
3 discuss with me after he was up here giving  
4 evidence that apparently there was some  
5 mix-up about a mortgage that was put on but  
6 which really didn't exist. So, I am a little  
7 confused in my mind here, right now. What  
8 I can tell you, I don't know whether we are  
9 talking about the same thing, because you  
10 are working from documents and I am not, I  
11 know there was a collection taken up and if  
12 you say I took the money in to Locke that  
13 could very well be so, but the collection --  
14 or, the money that was deposited with  
15 Locke was a collection. And I put in X  
16 number of dollars, and I would be only  
17 guessing now, but to clarify it, McDermott  
18 will be able to explain that to you more  
19 thoroughly, because he done -- got the  
20 contributions from some people that I am  
21 not too familiar with. I don't know who  
22 they were. I couldn't give you too many  
23 details on that.

24 Q. What was the reason for the  
25 collection of these moneys? What was the  
26 reason for the collection and the payment  
27 off of the mortgage?

28 A. I would think that Gardner was  
29 broke and they were going to foreclose on  
30 his house. As I recall the circumstances.



this, in all fairness to you and myself, that I  
 am a little confused because Dr. Humphrey did  
 discuss with me after he was up here giving  
 evidence that apparently there was some  
 mix-up about a mortgage that was put on the  
 which really didn't exist. So, I am a little  
 confused in what I am saying. I can tell you, I don't know whether we are  
 talking about the same thing, because you  
 are working from documents and I am not. I  
 know there was a collection taken up and it  
 you say I took the money in to Locke that  
 would very well be so, but the collection --  
 or, the money that was deposited with  
 Locke was a collection. And I put in X  
 amount of money, and I want to see  
 guessing now, but to clarify it, I believe  
 will be able to explain that to you more  
 thoroughly, because he done -- got the  
 contributions from some people that I am  
 not too familiar with. I don't know who  
 they were. I couldn't give you too many  
 details on that.  
 Q. What was the reason for the  
 collection of these monies? What was the  
 reason for the collection and the payment  
 off of the mortgage?  
 A. I am not sure that I know the  
 broke and they were going to foreclose on  
 his house. As I recall the circumstances.





1 Q. Now, in 1958, David Humphrey has  
2 told us a plane was purchased for him and he  
3 put an estimate of the value on it of \$3,500.

4 THE COMMISSIONER: What?

5 MR. WILSON: Thirty-five hundred.

6 Q. Who put up the money for that?

7 A. What year is this, Mr. Wilson?

8 Q. 1958.

9 A. That would be McDermott and I.

10 Q. Equally?

11 A. As I recall it, yes, sir.

12 Q. Now, in 1958 who supplied the  
13 funds to purchase CFKRN Cessna 180 registered  
14 in the name of George Reid, care of David  
15 Humphrey.

16 A. That would be Reid.

17  
18 (Page 9865 follows)

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30







DD/3

1 Q. You say that Reid put up that  
2 money?

3 A. Yes, sir.

4 Q. And you say you had nothing to  
5 do with it?

6 A. Nothing to do with which?

7 Q. You did not in any way put any  
8 money into that purchase price yourself?

9 A. No, I didn't say that, Mr. Wilson.

10 Q. What do you mean by saying Reid  
11 did it?

12 A. Reid put the money to purchase the  
13 balance. The \$3,500 plane, I have forgotten  
14 the registration of it, was turned in and  
15 the balance of the money came from Reid to  
16 pay for the plane you spoke of.

17 Q. The Cessna?

18 A. Yes, sir.

19 Q. And how much did the Cessna cost?

20 A. In round figures?

21 Q. Yes.

22 A. I would think it was in the  
23 neighbourhood of \$27,000 or \$28,000.

24 Q. You say that the plane that had  
25 been given to Humphrey was used as part payment  
26 for that?

27 A. Yes, sir.

28 Q. And the balance was put up by  
29 George Reid?

30 A. The balance that was paid for it



Q. You say that Held put up that

A. Yes, sir.

Q. And you say you had nothing to

A. I don't know what you mean.

Q. You did not in any way put any

money into that purchase price yourself?

A. No, I didn't say that, Mr. Wilson.

Q. What do you mean by saying Held

A. Held put the money to purchase the

plane. The \$5,000 plane, I have forgotten

the registration of it, but I know it was

the balance of the money came from Held to

pay for the plane and the rest.

Q. The German?

A. Yes, sir.

Q. And how much did the German cost?

A. In total, I don't know.

Q. Yes.

A. I would think it was in the

neighborhood of \$25,000 or \$27,000.

Q. You say that the plane that had

been given to Hapgood was used as part payment

for that?

A. Yes, sir.

Q. And the balance was put up by

A. The balance that was paid for it





1 was Reid's money. I don't know just who put  
2 it up.

3 Q. You do not know who put it up.  
4 Well, did you or McDermott put up any part of  
5 it?

6 A. No, that was Reid's money, sir.

7 Q. I think you have told us that  
8 you put fifteen or sixteen thousand dollars  
9 into KRNO Mines. Yes, that is right, you have  
10 already sworn to that. Now, you bought a  
11 new Cadillac in 1958. Do you remember that?

12 A. That's probably the car I have  
13 today. I don't know just whether I bought  
14 it in '58 or the early part of '59, but if  
15 you say it is 1958 it could very well be.

16 Q. What would you say has been in  
17 the last five years the average outlay per year  
18 on new cars?

19 A. In the last five years?

20 THE COMMISSIONER: On new cars?

21 MR. WILSON: Q. Perhaps you can tell  
22 us what cars you have bought since 1954.

23 A. I have had -- Since '54. I  
24 think I have had a '55 Caddy and a '58 Caddy.

25 Q. Just two Cadillacs?

26 A. Yes, sir.

27 Q. Roughly what would the price be,  
28 approximately?

29 A. Well, there was always a trade-in  
30 from the previous car so there could have been



was Reid's money. I don't know that who put

Q. You do not know who put it in.

Well, did you or McDermott put up any part of

A. No, that was Reid's money, sir.

Q. I think you have told us that

you put fifteen or sixteen thousand dollars

into KANO Manor. Yes, that is right, you have

already sworn to that. Now, you bought a

new Cadillac in 1958. Do you remember that?

A. That's probably the car I have

it in '58 or the early part of '59, but it

you say it is 1958 it could very well be.

Q. What would you say has been in

the last five years the average outlay per year

on new cars?

THE COMMISSIONER: On new cars?

MR. WILSON: O. Perhaps you can tell

as what cars you have bought since 1954.

think I have had a '58 Chevy and a '58 Corvair.

A. Yes, sir.

Q. Roughly what would the price be,

approximately?

A. Well, there was always a trade-in

from the previous car so there could have been





a couple of thousand dollars.

Q. On each occasion?

A. On both occasions, yes, sir.

Q. Have you got more than one car?

A. No, sir.

Q. Well, we have been told Hersch took your car to Florida this winter. What were you using while he was away?

A. I was down there, too.

Q. You were there, too. In '59 who supplied the funds for the purchase of Airgo?

A. '59. Let me see. 1959. I guess that would be McDermott and I.

Q. \$20,000. Did you divide that evenly?

A. How much do you say it was?

Q. \$20,000.

A. I think it was only something like 14, but if you say it is 20, it could have been. It would have been an even venture, yes, sir.

Q. When you sold 91 Wellesley for \$120,000 in 1959 there would be available to McDermott and yourself about \$85,000. What was the distribution made of those proceeds?

A. Could you just define what you want me to tell you, Mr. Wilson?

A. There was a resultant cash available to you two, McDermott and yourself,





... ..

Q. On each occasion?

A. ... ..

Q. Have you got more than one car?

A. ... ..

Q. Well, we have been told Hanson

took your car to Florida this winter. What

were you doing while he was away?

A. I was ... ..

Q. You were there, too, in '59?

A. ... .. the funds for the purchase of

...

A. '59. Let me see. 1959. I

guess that would be McDermott and I.

Q. \$20,000. Did you divide that

evenly?

A. How much do you say it was?

Q. \$20,000.

A. I think it was only something

like 14, but if you say it is 20, it could

have been. It would have been an even venture.

...

Q. When you sold 91 Wellstar for

\$120,000 in 1959 there would be available to

McDermott and yourself about \$20,000. What

was the distribution made of those proceeds?

A. Could you just define what you

want me to tell you, Mr. Wilson?

A. There was a ... ..

available to you two, McDermott and yourself,



1 as the owners of 91 Wellesley?

2 A. Yes, sir.

3 Q. The sum of \$85,000, after you  
4 sold in April of 1959, and what I am asking you  
5 --

6 THE COMMISSIONER: He sold in January,  
7 1959, he said before, and the cash was \$50,000  
8 and the mortgage back of \$70,000 to Locke.  
9 Where do you get \$85,000?

10 MR. WILSON: The particulars that are  
11 given to me are that the sale was in April  
12 of 1959 for \$120,000, less a mortgage given  
13 back of \$70,000.

14 THE COMMISSIONER: That is the \$50,000  
15 cash.

16 MR. WILSON: \$50,000.

17 THE COMMISSIONER: Where do you get the  
18 80, whatever figure you gave?

19 MR. WILSON: Then, the mortgage to  
20 Wingate -- or, from Wingate. That \$50,000  
21 was used to pay off the second mortgage, which  
22 was \$35,000 at the time of the sale. Originally  
23 it had been \$37,000, if my recollection is  
24 right. That left \$15,000.

25 THE COMMISSIONER: Yes.

26 MR. WILSON: And, then, on December 30,  
27 1959, the mortgage back of \$70,000 was dis-  
28 charged. So, I say there was a cash flow  
29 in 1959 in respect of that transaction of  
30 \$85,000.



as the owners of 21 Wall Street?

A. Yes, sir.

Q. The sum of \$65,000, correct?

Yes, in April of 1929, and what I am asking you

THE COMMISSIONER: He sold in January, 1929, he said before, and the cash was \$70,000, and the mortgage back of \$70,000 to Locke.

Where do you get \$65,000?

MR. WILSON: The particulars that are given to me are that the sale was in April of 1929 for \$70,000, less a mortgage given back of \$70,000.

THE COMMISSIONER: That is the \$70,000.

MR. WILSON: \$70,000.

THE COMMISSIONER: Where do you get the \$70,000, whatever figure you gave?

MR. WILSON: Then, the mortgage to

Wingate -- or, from Wingate. That \$70,000

was used to pay off the second mortgage, which was \$35,000 at the time of the sale. Originally it had been \$37,000, if my recollection is right. That left \$15,000.

THE COMMISSIONER: Yes.

MR. WILSON: And, then, on December 30, 1929, the mortgage back of \$70,000 was dis-

charged. So, I say there was a cash flow

in 1929 in respect of that transaction of

\$70,000.





1 THE COMMISSIONER: You want to know where  
2 it went?

3 MR. WILSON: I want to know where it  
4 went.

5 A. Well, I don't know offhand but I  
6 imagine when the money came in we just split  
7 it up between us.

8 Q. What did you do with your share,  
9 say, \$42,500?

10 A. What do you mean, in December 20,  
11 1959?

12 Q. By the end of the year you had  
13 received as your share, if you got 50 per cent,  
14 \$42,500. Now, what did you do with it?

15 A. I don't know whether it was this  
16 year or the next spring I bought a helicopter  
17 for \$44,000. That is where some of it would  
18 go.

19 Q. All right.

20 A. And possibly some of the money  
21 may have been used in the stock -- this stock  
22 affair here. I don't know, Mr. Wilson; I am  
23 only guessing because I was dealing with cash  
24 all these years. If I got cash I put it in  
25 my pocket, and if I had cash in my pocket I  
26 didn't worry about where it came from or  
27 went, as long as I had it it was mine, and  
28 I used it to the best of my discretion.

29 Q. I was coming next to the helicopter.  
30 Mr. Gebirtig, in his evidence, said he paid in



THE INTERVIEW: You want to know where

AT LAST

MR. WILSON: I want to know where it

is.

A. Well, I don't know of it but I

imagine when the money came in we just split

it up between us.

Q. What did you do with your share?

MR. WILSON

A. What do you mean, in December 20,

1917?

Q. By the end of 1917 you had

received as your share, if you got 50 per cent,

\$42,500. Now, what did you do with it?

A. I don't know whether it was this

year or the next spring I bought a helicopter

for \$44,000. That is where some of it would

go.

Q. All right.

A. And possibly some of the money

may have been used in the stock -- this stock

affair here. I don't know, Mr. Wilson; I am

only guessing because I was dealing with cash

all these years. If I got cash I put it in

my pocket, and if I had cash in my pocket I

didn't worry about where it came from or

went, as long as I had it it was mine, and

I used it to the best of my discretion.

Q. I am sorry that we have not

Mr. Wilson, in the witness, said he had





1 cash some 40-odd thousand dollars for the  
2 helicopter. You say that is money you  
3 provided him and it was bought for you?

4 A. Yes, sir.

5 Q. What became of the helicopter,  
6 have you still got it?

7 A. Yes, sir. I declared all this  
8 stuff at the income tax. The income tax  
9 knows all about this. All my business, I  
10 have given the full information on my affairs  
11 to the best of my ability over the years.

12 Q. Where is the helicopter now?

13 A. It's up in the bush, sir.

14 Q. Who is it being used by?

15 A. A firm of consultants, Grant and  
16 Oja, a firm of mining consultants in Port  
17 Arthur.

18 Q. What is the rental arrangement?

19 A. It's a verbal arrangement that  
20 we have to get -- with Grant and Oja.

21 Q. How much rent are you going to  
22 get for this?

23 A. I would think about 60 or 75  
24 dollars an hour.

25 Q. How many hours a month are they  
26 using it?

27 A. Oh, that varies. It all depends  
28 on the weather.

29 Q. You have been getting some money  
30 on it?





Q. You say that is money you  
provided him and it was bought for you?  
A. Yes, sir.  
Q. What became of the helicopter,  
have you sold it?  
A. Yes, sir. I donated it this  
year at the income tax. The income tax  
knows all about this. All my business, I  
have given the full information as to where  
to the best of my ability over the years.  
Q. Where is the helicopter now?  
A. It's up in the barn, sir.  
Q. Who is it being used by?  
A. A firm of consultants, Grant and  
Oja, a firm of mining consultants in Port  
Arthur.  
Q. What is the rental arrangement?  
A. It's a verbal arrangement that  
we have to go -- with Grant and Oja.  
Q. How much rent are you going to  
get for that?  
A. I would think about \$5 or \$2  
a month.  
Q. How many hours a month are they  
using it?  
A. Oh, that varies. It all depends  
on the weather.  
Q. You have been getting some money



1 A. No, sir.

2 Q. Nothing so far?

3 A. Nothing so far.

4 Q. How long have they had it?

5 A. Oh, it has been up there about  
6 a couple of months, sir.

7 THE COMMISSIONER: Q. It belongs to  
8 you personally?

9 A. McDermott and I own it.

10 Q. You and McDermott.

11 MR. WILSON: Q. Do you pay the pilot  
12 or do they pay the pilot?

13 A. Grant and Oja will pay the pilot,  
14 sir.

15 Q. Do you have any other brokerage  
16 accounts, apart from Davidson and Company,  
17 since 1948?

18 A. I don't know whether you have --  
19 There was a small account at Crang's and  
20 Company in relation to the same -- the same  
21 as this account you have, a few shares bought.

22 Q. In what stock, Jacobus?

23 A. Yes.

24 Q. Did you have a similar arrange-  
25 ment with this company you named who were  
26 apparently the underwriters of it?

27 A. No, sir, it was all part of  
28 the same transaction.

29 Q. How much did you put into the  
30 account, or you and McDermott put into the



Q. Now, sir, it has been up there about a couple of months, sir.

THE COMMISSIONER: Q. It belongs to Mr. Wilson: Q. Do you pay the pilot or do they pay the pilot?

A. Grant and Oja will pay the pilot.

Q. Do you have any other brokerage accounts, apart from Davidson and Company, under your name?

A. I don't know whether you have -- There was a small account at Grant's and Company in relation to the same -- the same as this account you have, a few shares bought.

Q. In what stock, Jacobus?

A. Yes.

Q. Did you have a similar arrangement with this company you named who were apparently the underwriters of it?

A. No, sir, it was all part of the same transaction.

Q. Now when did you put into the account, or you and McDermost put into the

Q. You and McDermost.

A. McDermost and I own it.

THE COMMISSIONER: Q. It belongs to

Q. Testing on test.

Q. Testing on test.

A. Sir.





1 accounts with Crang?

2 A. There, again, I would only be  
3 guessing. I would have to sit down and  
4 figure it out, but the total, if you want to  
5 know the overall total with the two companies?

6 Q. Well, the overall amount you  
7 put into Crang?

8 A. Well, that, sir, I can't tell  
9 you offhand. I can tell you the overall amount  
10 of money involved in the both companies.

11 Q. Well, how much was that?

12 A. I believe it was around \$76,000,  
13 less 20 which was put up with this company,  
14 which would leave something in the neighbourhood  
15 of \$55,000.

16 Q. You say that was split five  
17 ways?

18 A. Yes, sir.

19 MR. WILSON: I do not know whether my  
20 watch is right but I am ten after five.

21 THE COMMISSIONER: It is a quarter  
22 after five.

23 Tomorrow morning at ten o'clock.

24  
25 ---Whereupon the hearing adjourned at 5:15  
26 o'clock p.m. on Wednesday, 19th September,  
27 1962, until 10:00 o'clock a.m. on Thursday,  
28 20th September, 1962.  
29  
30

---



account with Grant?

A. There, again, I would only be

guessing. I would have to sit down and

figure it out, but the fact, if you want to

know the overall total with the two companies?

Q. Well, the overall amount you

are talking about?

A. Well, that, sir, I can't tell

you offhand. I can tell you the overall amount

of money involved in the both companies.

Q. Well, how much was that?

A. I believe it was around \$75,000.

less 20 which was put up with this company,

which would leave something in the neighborhood

of \$55,000.

Q. You say that was split five

ways?

A. Yes, sir.

MR. WILSON: I do not know whether my

watch is right but I am ten after five.

THE COURT: It is a quarter

after five.

Tomorrow morning at ten o'clock.

---Whereupon the hearing adjourned at 5:15  
o'clock p.m. on Wednesday, 1932, until 10:00 o'clock a.m. on Thursday,  
1932.







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VOLUME NO. ....

ROYAL COMMISSION

ON CRIME

IN ONTARIO

DAILY TRANSCRIPT  
OF PROCEEDINGS

Date..Thurs..Sept.20/62.

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VOLUME 49

INDEX OF WITNESSES

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(Resumed)

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INDEX OF EXHIBITS

Ex. No.	Page No.	Description
258.	9881	Photostats of accounts in A.B. Davidson and Company: 1. Feeley and McDermott personally; 2. A.B. Monteith Special Account





A/1/FP

THURSDAY, SEPTEMBER 20, 1962

---On resuming at 10:07 a.m.

THE COMMISSIONER: Mr. Wilson, yesterday there was some evidence about this Monteith Special Account and stock transaction. Running it through my mind last night I thought it ought to be cleared up. The witness wrote down the name of parties that provided some financing. I thought that name should not be made public. I want to explore that.

MR. MacKINNON: I should tell you this, we tried to locate that company and we cannot.

MR. WILSON: I have enquired and I think the name written down is not the right name.

MR. MacKINNON: No.

MR. WILSON: Mr. Rose has, I think, given me the right name, and I have checked and confirmed the name.

MR. MacKINNON: There is such a company?

MR. WILSON: No, that is not the right name, the name that is written down.

THE COMMISSIONER: Explore it then and see where we can get.

MR. WILSON: Yes, I will.





---On Tuesday at 10:00 a.m.

THE COMMISSIONER: Mr. Wilson, please

there was some evidence about this Honorable  
Special Account and about the Honorable. Nothing

it through my mind last night I thought it  
ought to be cleared up. The witness wrote

down the name of parties that provided some  
financing. I thought that name should not

be made public. I want to explore that.

MR. WILSON: I should tell you this,

we tried to locate that company and we cannot.

MR. WILSON: I have endeavored and I

think the name written down is not the right

name.

MR. WILSON: Yes.

MR. WILSON: Mr. Rose has, I think, given

me the right name, and I have checked and

confirmed the name.

MR. WILSON: There is such a company?

MR. WILSON: No, that is not the right

name, the name that is written down.

THE COMMISSIONER: Explore it then and

see where we can get.

MR. WILSON: Yes, I will.



VINCENT BERNARD FEELEY, resumed

EXAMINATION BY MR. WILSON (Cont'd):

Q. As I understand the transaction - and you correct me if I am wrong - both McDermott and yourself purchased shares of Jacobus in your personal accounts with Davidson and Company, brokers?

A. Yes, sir.

THE COMMISSIONER: Is that right?

A. Yes, sir.

MR. WILSON: Now, taking the Feeley personal account with Davidson and Company, the first purchase was on March 13th, 1959, of 7,000 shares at \$2.45.

THE COMMISSIONER: Don't go too quickly. I want to get this out clearly. How many shares?

MR. WILSON: I am sorry, the pages are out of order. It may be I will have to go to the ---

THE COMMISSIONER: Whatever it is.

MR. WILSON: -- give it to you in order of date. Unfortunately the two pages are out of order. The first page in the Feeley account was August 15th, 1958 of 10,000 shares of Jacobus at \$1.93 for a total of \$19,500.

THE COMMISSIONER: Just a moment now. August 15th, 1958, Feeley bought how many shares?



THE COMMISSIONER

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Q. As I understand the transaction -

and you correct me if I am wrong - both

Monmouth and yourself purchased shares of

Jacobus in your personal accounts with Davidson

and Company, correct?

A. Yes, sir.

THE COMMISSIONER: Is that right?

A. Yes, sir.

MR. WILSON: Now, taking the Feeley

personal account with Davidson and Company,

the first purchase was on March 15th, 1908,

of 7,000 shares at \$2.45.

THE COMMISSIONER: Don't go too quickly.

I want to get this out clearly. Now many

shares?

MR. WILSON: I am sorry, the paper was

out of order. It may be I will have to go

to the ---

THE COMMISSIONER: Whatever it is.

MR. WILSON: -- Give it to you in order

of date. Unfortunately the two pages are

out of order. The first page in the Feeley

account was August 15th, 1908 of 10,000 shares

of Jacobus at \$1.93 for a total of \$19,300.

THE COMMISSIONER: Just a moment now.

August 15th, 1908, Feeley bought how many shares?





1 MR. WILSON: 10,000 shares of Jacobus.

2 THE COMMISSIONER: How much?

3 MR. WILSON: At \$1.93.

4 THE COMMISSIONER: Do you agree with  
5 that, Mr. Feeley?

6 A. Well, I would have to look at the  
7 sheets, Mr. Commissioner. I would be guessing.

8 Q. Give me the history. These are  
9 some ---

10 MR. WILSON: These are photostats of  
11 Davidson and Company's accounts.

12 THE COMMISSIONER: All right, give me the  
13 whole history from them and then you can show it.

14 MR. WILSON: Yes. On August 28th, 1958,  
15 cash was paid into that account by this witness,  
16 as he has already sworn, in the sum of \$10,000.

17 MR. ROSE: Excuse me, what is the first  
18 amount, 10,000 shares, \$1.93?

19 MR. WILSON: \$1.93 - \$19,500.

20 THE COMMISSIONER: \$19,300.

21 MR. WILSON: It says \$19,500. That  
22 would include the brokerage and tax, if any.

23 THE COMMISSIONER: All right. On August  
24 28th Feeley paid Davidson and Company \$10,000.

25 MR. WILSON: Then on January 30th, 1959  
26 there was a credit in the Feeley personal  
27 account by a transfer from the A.B. Monteith  
28 personal account of \$9,614.27.

29 THE COMMISSIONER: That was money paid  
30 to Davidson from the Monteith account?



MR. WILSON: 10,000 shares of Davidson.

THE COMMISSIONER: How much?

MR. WILSON: At \$1.93.

THE COMMISSIONER: Do you agree with

that, Mr. Wilson?

A. Well, I would have to look at the

shares, Mr. Commissioner. I would be guessing.

Q. Give me the history. There are

some ---

MR. WILSON: These are photocopies of

Davidson and Company's accounts.

THE COMMISSIONER: All right, give me the

whole history from then and then you can show it.

MR. WILSON: Yes, in January 1934.

cash was paid into that account by this witness,

as he has already sworn, in the sum of \$10,000,

MR. ROSS: Include me, what is the first

amount, 10,000 shares, \$1.93

MR. WILSON: \$1.93 - \$19,300.

THE COMMISSIONER: \$19,300.

MR. WILSON: It was \$19,300.

will testify that Davidson and Company, in 1934,

THE COMMISSIONER: All right, in January

1934 Peoley paid Davidson and Company \$10,000.

MR. WILSON: When on January 1934, 1934

there was a credit in the Peoley personal

account by a transfer from the A. B. Davidson

personal account of \$9,314.37.

THE COMMISSIONER: That was money paid

to Davidson from the Davidson account?





1 MR. WILSON: From the A.B. Monteith  
2 special account. Then on January 29th, 1959  
3 10,000 shares of Jacobus was delivered out of  
4 that account to the witness.

5 THE COMMISSIONER: Just pause there for  
6 a moment. Yes, I have that, thank you.

7 MR. WILSON: Now, Mr. Commission, there  
8 was a further purchase in March of 1959. I  
9 don't know that we are concerned with it.  
10 It has nothing to do with the special account.  
11 He made a subsequent purchase of 7,000 shares  
12 of Jacobus on March 13th, 1959, at \$2.45 a  
13 share.

14 THE COMMISSIONER: Just a moment. 7,000  
15 shares.

16 MR. WILSON: 7,000 shares.

17 THE COMMISSIONER: At how much?

18 MR. WILSON: At \$2.45, for a total  
19 of \$17,395.

20 THE COMMISSIONER: Yes.

21 MR. WILSON: Then on May 4th, 1959, he  
22 deposited as collateral in that account, that  
23 is, he brought in and deposited with Davidson  
24 and Company, 7,800 shares of Jacobus.

25 THE COMMISSIONER: Now, just pause there.  
26 The original 10,000 shares had been paid for  
27 by January 29th, 1959?

28 MR. WILSON: And the stock delivered out.

29 THE COMMISSIONER: And the stock  
30 delivered out. Then on March 13th, 1959 Feeley





MR. WILSON: Then on January 22nd, 1933

special account. Then on January 22nd, 1933

10,000 shares of Jacobs was delivered out of

that account to the witness.

THE COMMISSIONER: Just pause there for

a moment. Yes, I have that, would you

MR. WILSON: Yes, the Commission

was a further purchase in March of 1933. I

don't know that we are connected with it.

It has nothing to do with the special account.

He made a subsequent purchase of 7,000 shares

of Jacobs on March 13th, 1933, at \$2.45 a

share.

THE COMMISSIONER: Just a moment. 7,000

shares.

MR. WILSON: 7,000 shares.

THE COMMISSIONER: At how much?

MR. WILSON: At \$2.45, for a total

of \$17,150.

THE COMMISSIONER: Yes.

MR. WILSON: Then on May 4th, 1933, he

deposited as collateral in that account, was

in, he brought in and deposited with Davidson

and Company, 7,800 shares of Jacobs.

THE COMMISSIONER: Now, just pause there.

The original 10,000 shares had been paid for

by January 22nd, 1933.

MR. WILSON: And the stock delivered out.

THE COMMISSIONER: And the stock

delivered out. Now on January 13th, 1933



1 bought 7,000 shares at a total purchase price  
2 of \$17,395.

3 MR. WILSON: Correct.

4 THE COMMISSIONER: And on May 4th he  
5 deposited with the brokers as against his  
6 indebtedness on the purchase of the 7,000 shares,  
7 7,800 shares.

8 MR. WILSON: Correct.

9 THE COMMISSIONER: I understand that.

10 MR. WILSON: Then there follow three  
11 payments of cash into this account.

12 THE COMMISSIONER: From Feeley?

13 MR. WILSON: From Feeley. The witness  
14 has already said he made the payments.

15 THE COMMISSIONER: Just give me the dates.

16 MR. WILSON: August 19th, 1959, \$5,000;  
17 September 21st, 1959, \$5,000; October 21st,  
18 1959, \$7,889.18. Now, on the basis of that  
19 last payment, that would undoubtedly clear up  
20 the debit balance, because ---

21 THE COMMISSIONER: Did that pay for the  
22 7,800 shares?

23 MR. WILSON: Yes, including interest.

24 THE COMMISSIONER: Quite so.

25 MR. WILSON: On that same date, the last  
26 date I gave, October 21st, 1959, 14,800 Jacobus  
27 were delivered out of that account to this  
28 witness.

29 THE COMMISSIONER: How many?

30 MR. WILSON: 14,800.

A/2



... 7,000 shares at a total purchase price

THE COMMISSIONER: And on May 4th he

deposited with the brokers as against the

incurred on the purchase of the 7,000 shares,

THE COMMISSIONER: I understand that,

MR. WILSON: Then there follow three

MR. WILSON: From today. The witness

has already said he made the payments.

THE COMMISSIONER: Just give me the date.

MR. WILSON: August 1st, 1901, \$2,000

1901, \$7,339.18. Now, on the basis of that

last payment, that would undoubtedly clear up

the debit balance, because ---

THE COMMISSIONER: Did that pay for the

MR. WILSON: Yes, including interest.

THE COMMISSIONER: Quite so.

MR. WILSON: On that same date, the last

were delivered out of that account to this

MR. WILSON: 14,800.





1 THE COMMISSIONER: He got the original  
2 10,000 shares, and then he purchased 7,000,  
3 and he put up 7,800 shares as collateral, and  
4 he paid for those 7,000 shares. So he was  
5 entitled to get 7,000 shares.

6 MR. WILSON: Entitled to get 14,800,  
7 he had purchased.

8 THE COMMISSIONER: That is right. Entitled  
9 to get back his collateral plus the 7,000.

10 MR. WILSON: Plus the purchase of 7,000.

11 THE COMMISSIONER: I follow that, so far.

12 MR. WILSON: Now, I think without going  
13 into McDermott's account where you will find  
14 similar transactions, I think I can make the  
15 point as to how this thing operated. If we  
16 look at the A.B. Monteith special account,  
17 we find the date of this payment in - can you  
18 tell by looking at these things, Mr. Registrar?  
19 Well, all I can say is that in 1958 the  
20 day of the month is there but the reproduction  
21 of the month is not clear, the sum of \$20,000  
22 cash was paid into this account. Then there  
23 are no stock transactions ---

24 THE COMMISSIONER: It does not say from  
25 whom?

26 MR. WILSON: Does not say from whom,  
27 but the witness has told us. There are no  
28 stock transactions in this special account,  
29 but on January 30th, 1959 the \$20,000 was  
30 transferred out of that account as follows. To



THE COMMISSIONER: He got the original

10,000 shares, and then he purchased 7,000,

and he put up 7,000 shares as collateral, and

he paid for those 7,000 shares. So he was

entitled to the 7,000 shares.

MR. WILSON: Requested to see 14,000.

he had purchased.

THE COMMISSIONER: That is right. Requested

to get back his collateral plus the 7,000.

MR. WILSON: With the balance of 14,000.

THE COMMISSIONER: I follow what you say.

MR. WILSON: Yes, I think so.

into Herbert's account where you will find

similar transactions, I think I can make the

point as to how this thing operated. It is

look at the A.B. Henshaw special account,

we find the date of this payment in - can you

tell by looking at these things, Mr. Registrar?

Well, all I can say is that in 1930 the

day of the month is there but the reproduction

of the month is not clear, the sum of \$20,000

was paid into this account.

are no stock transactions --

THE COMMISSIONER: It does not say that

knows

MR. WILSON: Does not say from whom,

but the witness has told us. There are no

stock transactions in this special account,

but on January 30th, 1930 the \$20,000 was

transferred out of that account as follows. To





1 Vincent Feeley personal account, \$9,614.27;  
2 to J. McDermott personal account, \$10,385.73.  
3 That makes up the total of the \$20,000.

4 THE COMMISSIONER: Where was this  
5 A.B. Monteith special account held?

6 MR. WILSON: It was another account in  
7 Davidson and Company, and so the transfer is  
8 recorded by a journal entry.

9 We see, as I have already indicated, in  
10 the Feeley account that he did get a credit  
11 in his account of that \$9,614.27.

12 Now, the witness has told us that the  
13 \$20,000 was paid into this A.B. Monteith  
14 special account by the people who recommended  
15 that he and McDermott purchase Jacobus shares,  
16 and they had agreed that if they did purchase  
17 that they would guarantee them against loss.

18 THE WITNESS: Just to clarify that,  
19 Mr. Wilson, I don't think I said that. I  
20 think I told you that this purchase was made  
21 on Monteith's recommendation.

22 MR. WILSON: Q. Well, who gave you the  
23 guarantee against loss?

24 A. Monteith.

25 Q. Monteith. Well then, where did  
26 the \$20,000 come from that was paid into the  
27 Monteith special account to indemnify you  
28 against loss on your purchases of Jacobus?

29 A. That was arranged by Monteith.

30 Q. That was arranged by Monteith?





Witness being sworn, he says:

Q. Now, what was the amount of the \$20,000?

A. That makes up the total of the \$20,000.

Q. THE COMMISSIONER: There was this

A. Yes, I believe that is correct.

Q. MR. WILSON: It was another account in

Davidson and Company, and so the transfer is

made to a special account.

Q. Now, as I have stated, Davidson, in

the Federal account that he did get a credit

in his account of that \$2,614.27.

Q. Now, the witness has said that the

\$20,000 was paid into this A.B. Montebello

special account by the people who recommended

that he and Heiderman purchase Jacobs shares,

and they had agreed that if they did purchase

that they would purchase from Jacobs.

Q. THE WITNESS: Yes, as I have said.

Q. MR. WILSON: I don't think I said that. I

think I told you that this purchase was made

on Montebello's recommendation.

Q. MR. WILSON: O. Well, who gave you the

statement against that?

A. Montebello.

Q. Now, Montebello, did I think, where did

the \$20,000 come from that was paid into the

special account in Davidson's name?

A. Against loss on your purchase of Jacobs?

A. That was arranged by Montebello.

Q. That was arranged by Montebello?



1 A. Yes.

2 THE COMMISSIONER: That was paid in by  
3 this party whose name you wrote down?

4 A. Yes.

5 Q. Now, it is suggested that you  
6 did not spell it correctly.

7 A. Possibly.

8 Q. Now, you wrote it down because  
9 you said that the name should not be made public?

10 A. Well, my original intention was  
11 that I did not feel that either of these stocks  
12 should be made public in view of the way they  
13 were coming out on this probe. They were  
14 public companies and that was my original  
15 request to you, sir, that neither of these  
16 stocks should be made - the name of these  
17 stocks that I was doing business in would be  
18 made public either. They have made the papers  
19 last night, I understand, but I see - my  
20 original request was along those lines.

21 Q. That was back in 1959 that this  
22 took place/ Now we are in 1962.

23 A. But it is still a public mining  
24 company, and it is on the Toronto Stock  
25 Exchange, and the way it is coming out here I  
26 was thinking of the public company and requesting  
27 that the name of the stock not be brought out.

28 Q. I understood that the name of  
29 the party that put up the \$20,000 should not  
30 be.



THE COMMISSIONER: That was paid in by

A. Yes.

Q. Now, it is suggested that you

A. Certainly.

Q. Now, you wrote it down because

you said that the name should not be made public

A. Yes, in original documents was

that I did not feel that either of those names

should be made public in view of the way they

were coming out on this probe. They were

public companies and that was my original

request to you, sir, that neither of those

stocks should be made - the name of these

stocks that I was doing business in would be

made public either. They have made the papers

last night, I understand, but I see - my

understanding was that they were not.

Q. That was back in 1929 that this

took place? Now we are in 1932.

A. But it is still a public mining

company, and it is on the Toronto Stock

Exchange, and the way it is coming out here I

am assuming it is public information and that

that the name of the stock not be brought out.

Q. I understood that the name of

the party that put up the \$20,000 should not





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A. That is right.

Q. I don't know any reason why the name of the party should not be brought out.

A. It had nothing to do with me. That was arranged through Monteith.

Q. I don't care through whom it was arranged. Now then, who was this party that put up the \$20,000? You wrote it down.

A. Lehigh Securities.

Q. How do you spell "Lehigh"?

MR. WILSON: Just like Lehigh Railway, I believe, isn't that right?

MR. ROSE: I think so, L-e-h-i-g-h. The telephone book would show. It is in the telephone book.

MR. WILSON: I think it is "Lehigh". Then if I may file these photostats dealing with it as Exhibit 258.

THE COMMISSIONER: The photostatic copies of records from Davidson and Company.

MR. WILSON: Of the accounts in A.B. Davidson and Company of Vincent Feeley and Joseph McDermott personally, and also photostat of the A.B. Monteith special account in Davidson and Company.

---EXHIBIT NO. 258: Photostats of accounts in A.B. Davidson and Company: 1. Feeley and McDermott personally; 2. A.B. Monteith special account.

THE COMMISSIONER: Now, have I got all



A. That is right.

Q. I don't know how many of the party should not be brought out.

A. It had nothing to do with me.

Q. I don't care through whom it was

arranged. Now then, who was this party that

put up the \$20,000? You wrote it down.

A. Benish Securities.

Q. How do you spell "Benish"?

MR. WILSON: That is Benish, Benish.

I believe, isn't that right?

MR. WILSON: I believe so, Benish.

The telephone book would show. It is in

the telephone book.

MR. WILSON: I think it is "Benish".

Then if I may file those photostats dealing

with it as Exhibit 256.

THE COMMISSIONER: The photostats copies

of records from Davidson and Company.

MR. WILSON: Of the accounts in A.B.

Davidson and Company of Vincent Keeley and

James Davidson, respectively, and also photostats

of the A.B. Montreal special account in

Davidson and Company.

Photostats of accounts in  
A.B. Davidson and Company;  
J. Keeley and Davidson  
respectively; A.B. Montreal  
special account.

THE COMMISSIONER: Now, have I got all





1 these dates and these figures? Now, where  
2 do you want to go from there?

3 MR. WILSON: I think we have got it  
4 properly recorded now.

5 THE COMMISSIONER: What is the significance  
6 of it all? That is what I am interested in.  
7 I got the figures and the dates.

8 MR. WILSON: Well, the significance of  
9 it all is that it is just one of a number of  
10 financial transactions during the period 1954-  
11 1960, that this witness was involved in, to  
12 try and reconcile his activities and his income,  
13 and that is the purpose.

14 Mr. Rose informed me this morning that  
15 the witness has recalled another real estate  
16 transaction that his client forgot about  
17 yesterday and if we could have the particulars  
18 of it.

19 THE WITNESS: I haven't got the  
20 particulars here, Mr. Wilson, but, thinking it  
21 over last night, it came to me that - and I  
22 don't know just whether it was bought in my  
23 own name or a nominee's name - but there was  
24 a piece of property on a street over here, I  
25 believe it was Grenville Street, that I  
26 purchased and re-sold in a very short period  
27 of time back.

28 MR. WILSON: Q. Did you make anything  
29 on that transaction?

30 A. Just trusting to memory and guessing,





these dates and these figures? Now, where

is the money to be paid?

MR. WILSON: I think we have got it

property involved here.

THE COMMISSIONER: What is the significance

of it all? What is what I am interested in.

I am the figure and the date.

MR. WILSON: Well, the significance of

it all is that it is just one of a number of

financial transactions which have taken place

1930, that this witness was involved in, to

try and reconcile his activities and his income,

and that is the purpose.

MR. WILSON: Now, I am interested in this matter

the witness has recalled another real estate

transaction that his client forgot about

yesterday and if we could have the particulars

of it.

THE WITNESS: I haven't got the

particulars here, Mr. Wilson, but, thinking it

over last night, it came to me that - and I

don't know just whether it was bought in my

own name or a nominee's name - but there was

a piece of property on a street over here, I

believe it was Greenville Street, that I

purchased and re-sold in a very short period

of time back.

MR. WILSON: Now, I am interested in this

on that transaction?

A. Just trusting to memory and guessing.



1 it seems to me that there was a profit of  
2 three or four thousand dollars involved.

3 Q. That was the property along here  
4 where the Malloney's Galleries are?

5 A. It was ~~in~~ in and around this  
6 area somewhere, sir.

7 Q. Well, what year was that?

8 A. There again I don't have any  
9 records. It may have been, seems to me it  
10 could have been five or six years ago, or  
11 maybe more or less.

12 THE COMMISSIONER: Well, identify the  
13 property in some particularity, because Gren-  
14 ville Street is a pretty long street.

15 A. I would think it was closer to  
16 Yonge Street than to Malloney's.

17 MR. WILSON: Q. Did you buy it through  
18 the Chartered Trust or from the Chartered  
19 Trust who were trustees?

20 A. I kind of think there was <sup>a</sup> trust  
21 company involved in it.

22 MR. WILSON: I think Mr. Rose can turn  
23 up that address for us, Mr. Commissioner. I  
24 haven't got it.

25 THE WITNESS: It seems to me it was  
26 closer to Yonge Street on Grenville, rather  
27 than, as you suggest, across from Malloney's,  
28 on the south side of Grenville Street.

29 MR. WILSON: Q. How much was involved  
30 in the transaction?



it seems to me that there was a profit of  
three or four thousand dollars involved.

A. It was taken in and around this

A. There again I don't have any

records. It may have been, seems to me it  
could have been five or six years ago, or

THE COMMISSIONER: Well, identify the

A. I would think it was closer to

Young Street than to Mallon's.

MR. WILSON: Q. Did you buy it through

the Chartered Trust or from the Chartered

Trust who were trustees?

A. I kind of think there was trust

company involved in it.

up that address for us, Mr. Commissioner. I

haven't got it.

THE WITNESS: It seems to me it was

closer to Young Street on Greenville, rather

than, as you suggest, across from Mallon's.

on the south side of Greenville Street.

MR. WILSON: Q. How much was involved

in the transaction?





1           A.       The purchase price, I have the  
2 figure in my mind, would be in around eighteen  
3 or nineteen thousand, but whether the actual  
4 money was ever put up or not I cannot just  
5 recall now, because it appears to me that it  
6 was sold within a very short time.

7           Q.       Did you ever acquire an interest  
8 in Malloney's Tavern on that street, Grenville  
9 Street?

10          A.       No, sir.

11          Q.       Now, turning briefly to one or  
12 two other financial matters and then I will  
13 be through with that aspect, you told us you  
14 were the owner of 132 6th Street in New Toronto.  
15 Is it not a fact that in 1959 about \$40,000  
16 was spent on renovation and enlargement of  
17 that building?

18          A.       I don't know if this was the  
19 exact time.    Somewhere in around that area  
20 there was an addition put on to the building.

21          Q.       Well, you know approximately how  
22 much you paid Dyer and Nicholson now? I am  
23 giving you a figure of \$40,000 which they say  
24 they got. Is that about right?

25          A.       That would be in the neighbourhood.

26          Q.       I think \$41,500 is probably the  
27 exact figure.

28          A.       It may have been, sir. I would  
29 only be guessing, but that could very well be.

30          THE COMMISSIONER: When?



A. The purchase price, I have the

figure in my mind, would be in around eighteen

or nineteen thousand, but whether the actual

money was ever put up or not I cannot just

recall now, because it appears to me that it

was paid before I was there.

Q. Did you ever acquire an interest

in Mellon's Tavern on that street, Greenville

Street?

A. Yes, sir.

Q. Now, turning briefly to one or

two other financial matters and then I will

be through with that subject, you told us you

were the owner of 132 6th Street in New Toronto.

Is it not a fact that in 1929 about \$40,000

was spent on renovation and enlargement of

that building?

A. I don't know if this was the

same time. I think it was about that time.

There was an addition put on to the building.

Q. Well, you know approximately how

much you paid Dyer and Nicholson now? I am

giving you a figure of \$40,000 which they say

they got. Is that about right?

A. That would be in the neighborhood.

Q. I think \$41,200 is probably the

figure.

A. It may have been, yes. I would

only be guessing, but that could very well be.

THE END





MR. WILSON: 1959.

Q. And that expense was borne equally by McDermott and Ryan and yourself, or just McDermott and yourself?

A. No, it was a three-way expenditure, sir. I declared it on the income tax.

Q. That is the address of what we know as the Finnish Club?

A. The Finnish Club occupied those premises.

Q. Did they occupy it before or after the improvements?

A. In and about that time, sir. I can't just pinpoint that, whether it would be - may have been before, it may have been after.

MR. WILSON: Mr. Commissioner, the date given me on that was an error. It was 1957.

THE WITNESS: Is that addition in 1957?

MR. WILSON: Q. That is right. Coming to 1960, I find that in the operation of Airgo a total of \$33,890. was advanced to that company by the directors.

A. How much?

Q. \$33,890. Now, you were one of the directors of Airgo?

A. I was a shareholder. I don't think I was ever on the board of directors.

Q. Did you advance any part of that \$33,890. to Airgo?

A. I did advance moneys to Airgo, xx





A. I did advance money to Airco, Inc.

\$33,890. to Airco?

Q. Did you advance any part of that

I was over on the bond of directors.

A. I was a director.

the directors of Airco?

Q. Now, you were one of

A. How much?

company by the directors.

a total of \$33,890. was advanced to that

to \$300. I find that in the operations of Airco

MR. WILSON: Q. That is right. Coming

THE WITNESS: Is that addition in 1937?

gives me on that was an error. It was 1937.

MR. WILSON: Mr. [Name],

may have been before, it may have been after.

that was about that time, Mr. I

A. In and about that time, Mr. I

after the [Name]

Q. Did they occupy it before or

business.

A. The [Name] did occupy it

also at the [Name] time

Q. That is the address of what we

Mr. I believe it is the [Name] Inc.

A. No, it was a three-way expenditure,

business and [Name]

the [Name] and [Name] and [Name], in [Name]

Q. And that expense was borne equally

MR. WILSON: Q.



1       yes, sir.

2               Q.       And did McDermott advance moneys?

3               A.       To the best of my recollection,  
4       yes, sir.

5               Q.       Did anybody else apart from  
6       McDermott and yourself advance moneys to Airgo  
7       in 1960?

8               A.       None that I recall, sir.

9               Q.       No. Now, in September 17th, 1960,  
10       you were arrested on certain charges, and I  
11       understand at the time of your arrest the  
12       police found some \$20,000 in cash on hand in  
13       your apartment.    Would that be right?

14              A.       Yes, that is correct, sir.

15              MR. WILSON: Well, now, here again I  
16       have been given one date, Mr. Commissioner,  
17       and now it is suggested that the date is wrong.

18              THE COMMISSIONER: Well, let us get it  
19       right.

20              MR. WILSON: Q.   Was it January of 1961  
21       rather than September?

22              A.       There again, I would only be  
23       guessing, Mr. Wilson. It may have been. I  
24       agreed with you it was September because I  
25       thought you knew, but I am only agreeing with  
26       you because - and that applies along the line, -  
27       you have documents there. I have not. At  
28       one - whether it was September or January I  
29       couldn't swear to.

30              THE COMMISSIONER: We can get that. That



Yes, sir.

Q. And did McDermott advance money?

A. To the best of my recollection,

yes, sir.

Q. Did you ever see him again?

A. I don't know. I don't know where he is.

in 1950?

A. None that I recall, sir.

Q. Now, in September 1950, 1950,

you were arrested on certain charges, and I

understand at the time of your arrest the

police found some \$20,000 in cash on hand in

your apartment. Is that correct?

A. Yes, that is correct, sir.

Q. Now, well, you were again in

that apartment in 1950, is that correct?

and now it is suggested that the date is wrong.

THE COMMISSIONER: Well, let us get it

right.

MR. WILSON: Q. Was it January of 1951

rather than September?

A. There again, I would only be

guessing, Mr. Wilson. It may have been. I

agreed with you it was September because I

thought you knew, but I am only agreeing with

you because - and that applies along the line -

you have documents there. I have not. As

one - whether it was September or January I

couldn't swear to.

THE COMMISSIONER: He can get that. That





1 was the date ---

2 MR. MACKINNON: September.

3 THE COMMISSIONER: -- that your apartment  
4 was raided in Benvenuto Place?

5 A. That is right, and they found  
6 the \$20,000, that is right, but I could not  
7 swear ---

8 THE COMMISSIONER: All right.

9 MR. WILSON: I think September is right.

10 MR. MACKINNON: September 17th.

11 MR. WILSON: I checked on it just before  
12 I came in.

13 THE COMMISSIONER: All right.

14 MR. WILSON: Q. But was this a little  
15 sum you kept on hand for emergencies in your  
16 apartment?

17 A. I wouldn't say that, Mr. Wilson.

18  
19  
20 (Page 9890 follows)



V. M. Wilson

THE COMMISSIONER

MR. WILSON: I think September is right.

THE COMMISSIONER: -- Give your agreement

was added in Benvenuto Place?

A. That is right, and they found

the \$20,000, that is right, but I could not

THE COMMISSIONER: All right.

MR. WILSON: I think September is right.

MR. WILSON: I checked on it just before

MR. WILSON: I checked on it just before

I came in.

THE COMMISSIONER: All right.

MR. WILSON: I think September is right.

and you kept on hand for emergency in your

agreement?

MR. WILSON: I checked on it just before

(page 20 follows)



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Q. Is it customary for you to carry that much cash around or have on hand that much cash in your apartment?

A. Over the years I have had that much money and possibly more or less on my person. It wasn't uncustomary.

Q. It wasn't unusual?

A. It wasn't unusual for me to have large sums of cash. In the gambling business, that is what you do business with, cash. I always did business with cash.

Q. Now, in 1960, you took over full ownership of 9 Smithfield Drive from McDermott. Did you pay him anything or get a credit for him in respect of that transaction or give him a credit of some kind?

A. That date -- I can't swear to that, but at some point along the line in the last few years, I did take over full ownership of Smithfield from both McDermott and Ryan and allowed them or paid them somewhere along the line.

Q. Approximately how much did you pay the two of them for their interest?

A. I believe it was around \$3,000, sir, each.

Q. Now, it appears that McDermott and yourself had, in the last few years, a total of some 309 mining claims registered





Q. Is it customary for you to carry

that much cash around or have on hand that

much cash in your apartment?

A. Over the years I have had that

much money and possibly more or less on my

person, in cash, in the apartment.

Q. It wasn't unusual?

A. It wasn't unusual for me to have

large sums of cash. In the gambling business,

that is what you do business with, cash.

Q. Now, in 1960, you took over the

ownership of the Smithfield Drive from

McDonnell. Did you pay him anything or get

a credit for him in respect of that

transaction or give him a credit of some

kind?

A. That date -- I can't recall to

that, but at some point along the line in

the last few years, I did take over the

ownership of Smithfield from both McDonnell

and Ryan and allowed them to take their

something along the line.

Q. Approximately how much did you

pay the two of them for their interest?

A. I believe it was around \$1,000.

Q. Now, it appears that McDonnell

and yourself had, in the last few years, a

level of some \$20 million claims reflected



1 in your names. How much did the two of you  
2 invest in the acquisition of these claims?

3 MR. ROSE: Mr. Commissioner, I wonder  
4 if Mr. Wilson might identify which claims  
5 he is discussing. As you are well aware,  
6 there are certain proceedings in respect of --  
7 I don't know whether he is dealing with those  
8 claims but there is a matter before the  
9 Courts in respect of certain claims.

10 THE COMMISSIONER: As I understand Mr.  
11 Wilson, he is asking what cash was paid.

12 MR. ROSE: If you are confining it to  
13 that, I have no objection.

14 THE COMMISSIONER: I appreciate what  
15 you have in mind, Mr. Rose.

16 MR. ROSE: Thank you.

17 MR. WILSON: Q. How much have McDermott  
18 and yourself laid out in the acquisition of  
19 mining claims? I mean what you put in your  
20 own names, nothing to do with any company,  
21 say in the period 1954 to 1960?

22 A. Well, so that I fully understand  
23 this, this 300 or 309, is that what you would  
24 like me to deal with?

25 Q. I don't want to tie you down  
26 to 309.

27 THE COMMISSIONER: It is not limited  
28 to 309; in all the mining claims, whatever  
29 their number might be.

30 THE WITNESS: Well, to this money that



in your hands. How much did the two of you  
invest in the acquisition of these claims?

MR. WILSON: \$1,000,000, I believe.

Q. If Mr. Wilson might identify which claim

he is discussing. As you are well aware,

there are certain proceedings in respect of --

I don't know whether he is dealing with these

claims but there is a matter before the

Courts in respect of certain claims.

THE COMMISSIONER: Is that correct?

WILSON: He is dealing with cases which

MR. ROSE: If you are continuing as to

that, I have no objection.

THE COMMISSIONER: I appreciate what

you have in mind, Mr. Rose.

MR. ROSE: Thank you.

MR. WILSON: Q. How much have Robertson

and yourself laid out in the acquisition of

mining claims? I mean what you put in your

own names, nothing to do with any company,

any in the period 1924 to 1929?

A. Well, so far I fully remember

this, \$100 or \$200, is that what you would

like me to deal with?

Q. I don't want to tie you down

to \$200.

THE COMMISSIONER: It is not limited

to \$200; in all the mining claims, whether

they were made in 1924 or 1929.

THE WITNESS: Yes, so that would be





1 I spoke to you about, fifteen or sixteen, I think  
2 it was, thousand dollars that was spent by  
3 myself and McDermott ---

4 MR. WILSON: Q. You told us you put  
5 15,000 or 16,000 into KRNO Mines. I am not  
6 talking about that company at all. I am  
7 talking about other claims McDermott and  
8 yourself have acquired over the years in  
9 your own name. I am merely asking you  
10 approximately how much money you have  
11 invested in that type of acquisition?

12 A. If I did tell you that the  
13 fifteen or sixteen thousand went into KRNO --  
14 I don't believe I did, but if I did say  
15 that, that is in error. This fifteen or  
16 sixteen thousand dollars was spent on the  
17 claims in that general area, these claims  
18 you refer to now. That was all part of  
19 the money that was spent on that property  
20 and in the acquisition of it.

21 THE COMMISSIONER: That is hardly  
22 answering the question. Put the question  
23 again.

24 MR. WILSON: Q. What amount have  
25 McDermott and yourself spent on the acquisition  
26 of mining claims in the period 1954 to 1960?

27 A. That is rather difficult for  
28 me to answer.

29 Q. I am sure you can give us an  
30 educated guess.



I spoke to you about, thirteen or sixteen, I think  
it was, thousand dollars that was spent by  
myself and McDermott ---

MR. WILSON: Q. You told us you put  
15,000 or 16,000 into KNOX Mines. I am not  
talking about that company at all. I am  
talking about other claims McDermott and  
yourself have acquired over the years in  
your own name. I am merely asking you  
approximately how much money you have  
invested in that type of acquisition?  
A. If I did tell you that the

I don't believe I did, but if I did say  
that, that is in error. Total fifteen or  
sixteen thousand dollars was spent on the  
claims in that general area, these claims  
you refer to now. That was all part of  
the money that was spent on that property  
and in the acquisition of it.

THE COMMISSIONER: That is hardly  
answering the question. Put the question  
again.

MR. WILSON: Q. What amount was  
McDermott and yourself spent on the acquisition  
of mining claims in the period 1954 to 1960?  
I am sure you can give us an  
educated guess.





1           A.       That is all it would be, would be  
2       a guess.    It may be -- I couldn't even guess  
3       because in that particular instance, as I  
4       say, it was all grouped into work in the  
5       acquisition of claims.   Then over -- since  
6       then there would be a few claims that have  
7       averaged -- a claim usually averages about \$20.  
8       To acquire a claim usually averages me  
9       about \$20 a claim.

10           THE COMMISSIONER:   Q.   The two of you  
11       or you alone?

12           A.       To acquire a claim would average  
13       about \$20 a claim.   That is what it costs  
14       unless I stake them myself.   Then it  
15       wouldn't cost me anything.   But any time I  
16       acquire a claim, it averages in the neighbour-  
17       hood of about \$20.

18           Q.       With that in mind, how much did  
19       you and McDermott invest in mining claims?

20           A.       There again I can't tell you  
21       that.   I can tell you how many claims I  
22       have to-day.   Is that what you want to know?

23           Q.       No.   He wants to know how  
24       much money you and McDermott have invested  
25       in acquiring mining claims.

26           MR. WILSON:   Q.   I am instructed at one  
27       time in that period, you had 309 claims in  
28       your name?

29           A.       This would be around 1959 we  
30       are dealing with?





A. That in all it would be, would be  
a guess. It may be -- I couldn't even guess  
because in that particular instance, as I  
say, it was all grouped into work in the  
investigation of the case. I don't know -- I don't  
think there would be a few claims that have  
been made -- a claim made by the company  
to acquire a claim usually averaged no  
more than a claim.

THE COMMISSIONER: Q. The two of you

are you right?  
A. To acquire a claim would average  
about \$20 a claim. That is what it costs  
unless I know some better. I don't  
wouldn't cost me anything. But any time I  
acquire a claim, it averages in the neighborhood  
of \$20 a claim. I don't know any better.  
Q. With that in mind, how much did  
you and McNamee invest in mining claims?

A. I can tell you how many claims I  
have to-day. Is that what you want to know?  
Q. No. He wants to know how  
much money you and McNamee have advanced  
in acquiring mining claims.

MR. WILSON: Q. I am interested at one  
time in that period, you had 30 claims in  
your name?  
A. This would be around 1889 or

thereabouts, right?



1 Q. Well, during the period 1954  
2 to 1960?

3 A. Well, if we are both talking about  
4 the 300 claims ---

5 THE COMMISSIONER: Please. You are  
6 not necessarily talking about 300. How much  
7 did you and McDermott together invest in  
8 mining claims? I don't care whether there  
9 were 100 or 500 between 1954 and 1960.

10 A. That I can't tell you, sir. I  
11 am trying to do the best I can in recalling.  
12 I have no books to go back to. Whatever  
13 claims we acquired between, as Mr. Wilson  
14 puts it, '54 and '60, would average about \$20  
15 a claim other than claims we would stake  
16 by ourselves.

17 Q. All right, taking that as the  
18 basis, how many claims did the two of you  
19 acquire at an average cost of \$20 per  
20 claim?

21 A. Hazarding a guess, I would think  
22 from 1954 to '60 it may be up to four hundred  
23 and some, maybe five hundred. I don't think  
24 it was five hundred. It seems to me it may  
25 be around four hundred.

26 MR. WILSON: Q. Then in 1960, McDermott  
27 and yourself got \$25,000 for an option on  
28 some of these claims. Is that right?

29 MR. ROSE: Now, Mr. Commissioner, this  
30 is certainly directly on the matter I spoke



Q. Well, during the period 1934

to 1937

A. Well, at no one been talking about

THE COMMISSIONER: Please. You are

not necessarily talking about 300. Now when

did you and McDermott together invent in

claim about 100 or 200 between 1934 and 1937.

A. That I can't tell you, sir. I

am trying to do the best I can in recalling.

I have no books to go back to. Whatever

claims we acquired between, as Mr. Wilson

puts it, '34 and '37, would average about \$10

a claim other than claims we would state

Q. All right, taking that as the

basis, how many claims did the two of you

acquire at an average cost of \$80 per

claim?

A. Regarding a guess, I would think

from 1934 to '37 it may be up to four hundred

and some, maybe five hundred. I don't think

it was five hundred. It seems to me it may

be around four hundred.

MR. KERN: Now, Mr. Commissioner, this

and yourself got \$25,000 for an option on

none of these claims. Is that right?

MR. KERN: Now, Mr. Commissioner, this

a certainly directly on the matter I spoke





1 about before.

2 MR. WILSON: I am not making any mention ---

3 THE COMMISSIONER: It is only a matter  
4 of dollars and cents. I don't care where he  
5 got it or about all the circumstances if he  
6 got it.

7 MR. ROSE: Insofar as the present charge,  
8 if this witness answers that question, then  
9 that would apply to a certain transaction.  
10 Now I can't say but it may well be one of  
11 the issues before the Courts at the present  
12 time in respect of that matter, may be as to  
13 the payment of money. I would certainly  
14 think my friend is treading completely into  
15 this matter when he is starting to go into  
16 particulars.

17 THE COMMISSIONER: No, I don't think  
18 we should delve into the particulars of  
19 that. That is presently before the Courts.

20 MR. ROSE: That is one of the particulars  
21 of that particular charge.

22 THE COMMISSIONER: What is?

23 MR. ROSE: The answer to the question  
24 which Mr. Wilson ---

25 THE COMMISSIONER: Whether he got  
26 \$25,000 or not?

27 MR. ROSE: For the sale of certain  
28 claims at a certain time.

29 THE COMMISSIONER: You are stating that  
30 now?

B/2



about before.

MR. WILSON: I am not making any mention --

THE COMMISSIONER: It is only a matter

of dollars and cents. I don't care where he

got it or about all the circumstances if he

got it.

it this witness answers that question, then

that would apply to a certain transaction.

Now I can't say but it may well be one of

the same matter. I don't know.

time in respect of that matter, may be an so

the payment of money. I don't know.

which my friend is trending completely into

this matter when he is wanting to go into

the same.

THE COMMISSIONER: No, I don't think

we should delve into the particulars of

that. That is presently before the Court.

MR. HORN: That is one of the particulars

of that particular charge.

THE COMMISSIONER: What is it?

MR. HORN: The answer to the question

which Mr. Wilson --

THE COMMISSIONER: Whether he got

\$25,000 or not?

MR. HORN: For the sake of certain

claims at a certain time.

THE COMMISSIONER: You are stating that





1 MR. ROSE: Yes, sir. That is part of the  
2 issues before the Court.

3 MR. WILSON: It isn't an issue before  
4 the Courts in that particular transaction  
5 at all. It isn't that important that I  
6 want to press it.

7 THE COMMISSIONER: All right, waive it.

8 MR. MacKINNON: I wonder if we might  
9 know what the specific charge is against  
10 this man.

11 THE COMMISSIONER: I don't know.

12 MR. MacKINNON: I would like to know for  
13 my own purposes when I come to cross-examine  
14 so I don't tread ---

15 MR. ROSE: I would be quite happy to let  
16 my friend know privately what the charges are.  
17 I see no reason for it to be given out to the  
18 newspapers in this inquiry.

19 MR. MacKINNON: I thought they had been  
20 made public.

21 THE COMMISSIONER: I thought it had  
22 been in the press before. I don't know what  
23 it was. I don't know now what the charges  
24 are. Whatever they are, that is a matter  
25 pending before the Courts. I don't think it  
26 would be fair to delve into it here. It  
27 might have a prejudicial effect on this man  
28 in his trial.

29 MR. WILSON: We will inform Mr. MacKinnon  
30 what it is.





MR. ROSE: Yes, sir. That is part of the

MR. WILSON: It isn't an issue before

the Court in that particular connection

at all. It isn't that important that I

want to press it.

THE COMMISSIONER: All right, well, I

MR. WILSON: I think it is

know what the specific charge is against

this man.

THE COMMISSIONER: I don't know.

MR. WILSON: I would like to know for

my own purposes when I come to cross-examine

MR. ROSE: I would be quite happy to let

my friend know privately what the charges are.

I see no reason for it to be given out to the

MR. WILSON: I thought they had been

THE COMMISSIONER: I thought it had

been in the press before. I don't know what

it was. I don't know how many the charges

pending before the Court. I don't think it

would be fair to delve into it here. It

might have a prejudicial effect on this man

to be tried.

MR. WILSON: We will inform Mr. WILSON

that is it.



1 MR. ROSE: Thank you, sir.

2 MR. WILSON: Q. In the period from 1954  
3 to 1960, what moneys did McDermott and  
4 yourself receive either by way of sale of  
5 these claims or options of these claims?  
6 That is the four or five hundred claims you  
7 speak of. What is your total revenue over  
8 that period of years?

9 A. There would be \$22,500, then  
10 there would be a \$7,500 figure, as I recall,  
11 and -- this is just up to 1960, is it?

12 Q. That is right.

13 A. If my memory serves me correctly,  
14 I believe that is all that is involved up to  
15 that particular time.

16 Q. Now, I don't want particulars  
17 but I want you to give me your best estimate  
18 of what your living expenses would be in  
19 the years 1954 to 1960 in an average year  
20 including all your trips to Bermuda and  
21 your cruises and cars and everything and  
22 your rent, clothes, everything incidental  
23 to your living expense?

24 A. Well, it varied, Mr. Wilson.  
25 As I told you yesterday, living in 1954, up  
26 to the time I moved into the Benvenuto,  
27 it might average 3,000, maybe 3,500.

28 Q. Then when you moved into the  
29 Benvenuto, it would go up by how much?

30 A. Well, there again it would



Mr. ROSS: Thank you, sir.

to 1900, what money did McEnroe and  
yourself receive either by way of sale of  
these claims or options of these claims?  
That in the four or five hundred claims you  
speak of. What is your total revenue even  
last year?  
A. I would say \$1,500 figure, as I recall,  
and -- this is just up to 1900, is it?

I believe that is all that is involved up to  
that year, sir.

Q. Now, I don't want pensioners  
but I want you to give me your best estimate  
of what your living expenses would be in  
the years 1904 to 1906 in an average year  
including all your trips to Montana and  
your cruises and cars and everything and  
your rent, clothes, everything included  
to your living expenses?

A. Well, it varied, Mr. Wilson.  
As I told you yesterday, living in 1904, up  
to the time I moved into the Bevanite,  
it varied between \$1,000 and \$1,500.

Q. Then when you moved into the  
Bevanite, it would go up by how much?  
A. Well, there again it would





1 increase by say another two or three thousand.

2 Q. Now ---

3 THE COMMISSIONER: Q. Just a moment.

4 When did you move into the Benvenuto?

5 A. I think Mr. Wilson had the date  
6 there. Around 1959, sir.

7 MR. WILSON: 1959 he moved in there.

8 THE COMMISSIONER: And after that, it  
9 increased by how much a year?

10 MR. WILSON: Two to three thousand dollars.

11 THE COMMISSIONER: Q. A year?

12 A. Yes, sir.

13 MR. WILSON: Q. Now, in the period from  
14 1948 to 1960, apart from any mortgage trans-  
15 actions which you might have been involved in,  
16 have you borrowed money from anybody?

17 A. I would think so, sir.

18 Q. Well, have all those loans been  
19 repaid?

20 A. Yes, sir.

21 Q. Do you owe any money to any bank  
22 or any individuals at the present time,  
23 apart from any mortgage transactions that  
24 you might be involved in?

25 A. I owe the Income Tax money.

26 Q. Apart from the Income Tax  
27 Department?

28 A. I owe my lawyer some money.

29 Q. Which lawyer?

30 A. Mr. Rose.



increase by any another two or three thousand.

THE COMMISSIONER: Q. Just a moment.

When did you move into the Benvenuto?

A. I think in 1925, after the war.

Q. How long have you lived there?

MR. WILSON: 1925 he moved in there.

THE COMMISSIONER: And after that, is

increased by how much a year?

MR. WILSON: Two to three thousand dollars.

THE COMMISSIONER: Q. A year?

A. Yes, sir.

MR. WILSON: Q. Now, in the period from

1915 to 1920, apart from any mortgage trans-

actions which you might have been involved in,

have you borrowed money from anybody?

A. I would think so, sir.

Q. Well, have all those loans been

repaid?

A. Yes, sir.

Q. Do you owe any money to any bank

or any individual at the present time?

apart from any mortgage transactions that

you might be involved in?

A. I owe the Income Tax money.

Q. Apart from the Income Tax

money?

A. I owe my lawyer some money.

Q. Which lawyer?

A. Mr. ...





1 Q. You mean in respect of these  
2 current proceedings?

3 A. Yes, sir.

4 Q. Now, anybody else you owe any money  
5 to?

6 A. To the best of my recollection,  
7 I would say no, sir, hazarding a guess.

8 Q. Now, speaking of legal fees in  
9 the period from 1954 to 1960, would I be  
10 making a fairly reasonable estimate if I  
11 said you had paid Humphrey and Locke about  
12 \$10,000 a year?

13 A. A year, sir?

14 Q. Yes, a year. That is based on  
15 an examination of their books.

16 A. Well, I have no records to  
17 substantiate that, but I wouldn't have thought  
18 it would have been anything like that.

19 Q. That would be for not merely your  
20 personal legal affairs and moneys, but all  
21 the companies you were affiliated with, such  
22 as Airgo, KRNO, and so on?

23 A. Your answer, as I recall it, was  
24 between the years '54 and '60.

25 Q. That is right.

26 A. That they got \$10,000?

27 Q. Approximately.

28 THE COMMISSIONER: Per year.

29 MR. WILSON: Q. Per year.

30 A. So that we are dealing with a figure





Q. You mean in respect of these

current proceedings?

A. Yes, sir.

Q. Now, anybody else you owe any money

to?

A. To the best of my recollection,

I would say no, sir, handling a check.

Q. Now, speaking of legal fees in

the period from 1954 to 1960, would I be

correct in saying that you have not paid any

and you had paid Humphrey and Locke about

\$10,000 a year?

A. A year, sir?

Q. Yes, a year. That is based on

an estimate of your income.

A. Well, I have no records in

anywhere that, but I wouldn't have any

of that kind of thing.

Q. That would be for not merely your

personal legal affairs and money, but all

the companies you were affiliated with, such

as ALCO, INC., and so on?

A. Your answer, as I recall it, was

yes, sir.

Q. That is right.

A. Yes, sir.

Q. All right.

THE COMMISSIONER: For your.

MR. WILSON: Q. For your.

A. So that we are dealing with a 1960



1 of around \$60,000.

2 Q. That is right.

3 A. I wouldn't have thought so, sir.

4 I have never ever kept track of legal fees  
5 and just paid them as I went. I couldn't  
6 even hazard a guess at that. I wouldn't  
7 have thought it would be that much money.

8 Q. Well, you are accustomed to  
9 paying big legal fees, aren't you?

10 A. Well, I don't know whether you  
11 could say that or not, sir. If I have a  
12 lawyer do something for me, I pay him  
13 whatever his fee is.

14 THE COMMISSIONER: Q. You don't  
15 question it, you just pay it and that is the  
16 end of it?

17 A. That is right, sir.

18 MR. WILSON: Q. Now, this 50,000 bail  
19 that you put up pending the hearing of the  
20 recent appeal, I take it that was money  
21 belonging to McDermott and yourself?

22 A. Yes, sir.

23 Q. Now, Mr. Commissioner, I am  
24 going to turn to other matters and I first  
25 want to deal with the witness's connection  
26 with gambling and gambling clubs in the  
27 Toronto area. First of all, when did  
28 you have any interest in the Alpha Country  
29 Club which started operations about 1948  
30 in Centre Road, Cooksville?



Q. Now, Mr. Commissioner, I am

A. That is right, sir.

Q. I understand you were in the

I have never seen any of the

and that paid them as I went. I couldn't

even have a guess as to that. I wouldn't

even know if it was or not.

Q. Well, you are accustomed to

paying big legal fees, aren't you?

A. Well, I don't know.

could say that or not, sir. If I have a

lawyer do something for me, I pay him

whatever his fee is.

Q. Now, you are in the

question is, you just pay it and that is the

end of it?

A. That is right, sir.

MR. WILSON: Q. Now, this \$50,000 bill

that you put up pending the hearing of the

recent appeal, I take it that was money

belonging to McDermott and yourself?

A. Yes, sir.

Q. Now, Mr. Commissioner, I am

going to turn to other matters and I think

want to deal with the witness's connection

with gambling and gambling clubs in the

Toronto area. First of all, when did

you have any interest in the Algonquin

Club which started operations about 1945

in Ontario, Canada, approximately?





1 A. I believe it was in the year 1952  
2 or '53, somewhere in that area, and this is  
3 only a guess, sir.

4 Q. Maybe I can help you. In 1952  
5 the club was raided and Angelo Lafrade was  
6 convicted of keeping a common gaming house.  
7 Now, did you have an interest in it before  
8 that time or was it subsequent to that  
9 conviction?

10 A. I would say in about that  
11 particular time, sir.

12 Q. Now, isn't it a fact that  
13 McDermott, Tiny Lake, Jim Ryan, Harry Taylor  
14 and yourself were the principals who opened  
15 the Alpha Club?

16 A. Harry who?

17 Q. Harry Taylor, Big Harry Taylor?

18 A. Big Harry was a principal,  
19 yes, sir.

20 2 THE COMMISSIONER: Who were they?

21 MR. WILSON: Tiny Lake ---

22 THE COMMISSIONER: Just a moment.

23 Q. Who were they, witness?

24 MR. WILSON: Q. The Commissioner wants  
25 you to tell him the names.

26 THE COMMISSIONER: Q. Yourself,  
27 McDermott?

28 A. Yes, sir.

29 Q. Who else?

30 A. Ryan, Lake, Clarence Lake, Big Harry.



A. I believe it was in the year 1932.

Q. Now, somewhere in that area, and this is

Q. Maybe I can help you. In 1932

the club was rented and Angus Lindsay was  
connected of keeping a common gaming house.

Now, did you have an interest in it before

that time or was it subsequent to that

A. I would say in about that

particular time, sir.

Q. Now, isn't it a fact that

McDermott, Tiny Lake, Jim Ryan, Harry Taylor

and yourself were the principals who opened

the Alpha Club?

A. Harry was

Q. Now, Taylor, did they say

A. Big Harry was a principal,

yes, sir.

THE COMMISSIONER: Who were they?

MR. WILSON: Tiny Lake ---

THE COMMISSIONER: Just a moment.

Q. Who were they, witness?

MR. WILSON: Q. The Commission was

you to tell him the names.

THE COMMISSIONER: Q. Yourself,

A. Yes, sir.

Q. And

A. That was, I believe, the last



1 I don't know if we are speaking about the same  
2 fellow.

3 Q. It is a man known as Big Harry,  
4 anyway?

5 A. Yes, sir.

6 Q. All right, who else? You,  
7 McDermott, Ryan, Clarence Lake, Big Harry,  
8 and who else?

9 A. I thought that was all you  
10 asked me.

11 Q. I am asking you.

12 A. Oh. That wasn't Mr. Wilson's  
13 question.

14 Q. You pay attention to the questions  
15 I ask you. You, McDermott, Ryan, Clarence  
16 Lake, Big Harry ---

17 A. Ralph Clarke.

18 MR. WILSON: That is right. That is the  
19 one I omitted to mention.

20 THE COMMISSIONER: Q. Yes?

21 A. And Jack Lafrade.

22 Q. Did you all acquire your interest  
23 together at the same time?

24 A. Yes, sir.

25 Q. What did you acquire?

26 A. I don't know that we acquired  
27 anything really.

28 Q. You all went together and got an  
29 interest in it. You each got an interest in  
30 the Alpha Club. What did you get? Did you





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I don't know if we are speaking about the same

below.

Q. It is a man known as Big Harry.

Answer.

A. Yes, sir.

Q. All right, who else?

McDonnell, Ryan, Clarence Lake, Big Harry,

and who else?

A. I thought that was all you

sawed me.

Q. I am asking you.

A. Oh. That wasn't Mr. Wilson's

question.

Q. You had information on the question

I saw you. Tom McDonnell, Clarence Lake,

Lake, Big Harry --

A. Ralph Glavin.

Mr. Wilson: That is right. That is the

one I omitted to mention.

THE COMMISSIONER: Q. Yes?

A. And Jack Ladd.

Q. Did you all acquire your interest

together at the same time?

A. Yes, sir.

Q. What did you acquire?

A. I don't know what we acquired

interest in.

Q. You all went together and got an

interest in it. You each got an interest in

the Alpha Club. What did you get? And you



1 put some money up, each of you?

2 A. Yes. It was subsequently we put  
3 the money up to gamble with.

4 Q. No, no, no, I am not talking about  
5 what you subsequently did putting up money to  
6 gamble with. You said you acquired an  
7 interest in the Alpha Club. I want to know  
8 what the nature of that interest was. Was  
9 it real estate, personal estate?

10 A. Well, as I recall it, sir, it  
11 wasn't any particular instance or interest  
12 in any given thing. The charter belonged, as  
13 far as I was concerned, to this chap, Big Harry,  
14 and it was just a question of the charter  
15 being located there. So it was just a  
16 question of the premises. He apparently  
17 had made arrangements for the premises  
18 previously to this so that actually we  
19 didn't acquire anything.

20 Q. Well, you say Big Harry had the  
21 charter?

22 A. Remembering back, and Big Harry,  
23 the Alpha Club charter belonged to him. He  
24 told me it was his charter.

25 Q. I see. Then he had a charter  
26 in his pocket literally, a written document?

27 A. That wasn't my understanding, sir.  
28 He had been interested in the premises with  
29 this charter.

30 Q. Well, he had the ---



A. Yes. It was subsequently we put

the money up to gamble when.

Q. No, no, no, I am not talking about

what you subsequently did putting up money to

gamble with. We were gambling in

casinos in the Alpha Club. I want to know

what the nature of that interest was. Was

it that interest, investment interest?

A. Well, as I recall it, sir, it

wasn't any particular interest or investment

in any other sense. It was just a

fact as I am sure, in this case, that

and at the time a question of the

being located there. So it was just a

question of the premises. He apparently

had made arrangements for the premises

previously to this so that actually we

didn't make any arrangements.

Q. Well, you say Big Harry had the

character?

A. I am not sure, but I think

the Alpha Club character belonged to him. He

told me it was his character.

Q. I see. Then he had a character

in his pocket literally, a witness account?

A. That wasn't my understanding, sir.

He had been interested in the premises when

the character.

Q. Well, he had the ---





1           A.       So that my understanding would  
2 be that that was the Alpha Club, these  
3 premises, and that the charter was located  
4 here.

5           Q.       All right.   Now, what was at  
6 those premises, a building?

7           A.       Yes, sir.

8           Q.       Who owned the building?

9           A.       One Mr. Tachuk.

10          Q.       And did Big Harry rent the building  
11 from Tachuk?

12          A.       That was my understanding from  
13 Big Harry, sir.

14          Q.       And having rented the building  
15 and, as you put it, owning the charter, you,  
16 McDermott, Ryan, Lake, Clarke and Lafrade  
17 sort of joined forces with Big Harry.   Is  
18 that what you intend to convey to me?

19          A.       Yes, sir.

20          Q.       So that you became a group of  
21 individuals?

22          A.       You could put it that way, sir.

23          Q.       You personally did not acquire  
24 any share interest in the place?

25          A.       No, I would say not, sir.

26          Q.       It was just a case of seven  
27 individuals.   I suppose they were all gamblers,  
28 were they?

29          A.       Yes, sir.

30          Q.       Like yourself?



Q. So that my understanding would

be that that was the Alpha Club, these

members, and that the chapter was located

here.

A. All right. Now, when was he

born, approximately, in 1914?

A. Yes, sir.

Q. Now, when was he

born, approximately?

Q. And did Big Henry read the building

blueprints?

A. Yes, sir. That was the building

Big Henry, sir.

Q. Now, when was he

born, approximately, when you put it, owning the chapter, you

remember, when, approximately, when

sort of joined forces with Big Henry. Is

that what you intend to convey to me?

A. Yes, sir.

Q. So that you became a group of

men?

A. You could put it that way, sir.

Q. You personally did not acquire

any share interest in the place?

A. No, I would say not, sir.

Q. It was just a case of seven

individuals. I suppose they were all members,

was that?

A. Yes, sir.

Q. All right?



1 A. I don't know if they were convicted.

2 Q. Well, if they were convicted or  
3 not, I am not speaking of convictions. Gambling  
4 was their way of life?

5 A. You could say that.

6 Q. So these seven gamblers go together  
7 and join forces and one of them has a charter  
8 and the other six never acquired any share  
9 interest in the place. You know what a  
10 share interest is. You have been in  
11 companies. You get so many shares.

12 A. I was never---

13 Q. You got a certificate and so on?

14 A. I was never issued a certificate.

15 Q. You never got anything like that?

16 A. No, sir.

17

18 (Page 9905 follows)

19

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A. I don't know if they were convicted.

Q. Well, if they were convicted on

that, I am not speaking of convictions, gambling

was their way of life?

A. You could say that.

Q. So these were gamblers to some extent

and John Jones and one of them was a gambler

and the other was a gambler to some extent

is that right?

A. Yes, I think so.

Q. You get so many names.

A. I was never--

Q. You got a certificate and so on?

A. I was never issued a certificate.

Q. You never got anything like that?

A. No, sir.

(The witness leaves the stand.)



C/1/FAL

1 THE COMMISSIONER: Q. Well, then, what --  
2 Was there anything in writing between the  
3 bunch of you?

4 A. No, nothing in writing as far as  
5 Big Harry -- I had nothing in writing with  
6 anybody.

7 Q. Then, these seven individuals  
8 began operating, is that what you are telling  
9 me?

10 A. I didn't say that, sir.

11 Q. Well, I am asking you.

12 A. Yes. We used to frequent the club.

13 Q. No, no; I did not ask you if you  
14 frequented it. You began operating there,  
15 you were the people who were operating the  
16 business that was being transacted on those  
17 premises?

18 A. I gambled there and we gambled  
19 there together.

20 Q. As the proprietors of the place?

21 A. Well, I never ever thought of it  
22 that way because the charter was the company  
23 and I never owned anything -- any shares in  
24 the charter.

25 Q. There was this Alpha Club?

26 A. Yes, sir.

27 Q. But for all practical purposes  
28 we can put this Alpha Club to one side and we  
29 find seven individuals in there, proprietors,  
30 carrying on their proprietary right, as I might



Was there anything in writing between the

person of your

A. No, nothing in writing as far as

Mr. Henry -- I had nothing in writing with

anybody.

Q. Then, these seven individuals

been operating, is that what you are telling

me?

A. I think that is right.

Q. Well, I am asking you.

A. Yes. We used to frequent the club.

Q. No, no; I didn't ask you if you

frequent it. You began operating there,

you were the people who were operating the

business that was being transacted on those

premises.

A. I gambled there and we gambled

there.

Q. As the proprietors of the place?

A. Well, I never even thought of it

that way because the charter was the company

and I never owned anything -- my share in

the company.

Q. There was this Alpha Club?

A. Yes, sir.

Q. But the all members

we can put this Alpha Club to one side and we

find seven individuals in there, proprietors,

carrying on their proprietary right, as I think





1 put it that way, the business that was being  
2 operated. Isn't that so?

3 A. Well, I don't know what your  
4 definition of "business" is. Can you clarify  
5 that for me?

6 Q. Yes. The business being carried  
7 on there was a gambling business?

8 A. Yes, there was gambling carried  
9 on there.

10 Q. That was the business that was  
11 being conducted there. Isn't that right?

12 A. I don't know whether you define  
13 it that way or not.

14 Q. Well, how would you define it?

15 A. We gambled there. We were  
16 entitled to gamble under the rules of the  
17 Criminal Code of Canada and we did gamble there.

18 Q. I only want to know what you did.  
19 Certainly, the impression I have, Mr. Feeley,  
20 is this, that these seven individuals combined  
21 forces to carry on certain operations in these  
22 premises and the operations they were to  
23 carry on was gambling.

24 A. Yes, that would be -- We were  
25 gambling together.

26 Q. Not only were you gambling  
27 together, you had a place where gambling was  
28 done and you invited people to go there. That  
29 was the business that you were doing. Isn't  
30 that a fact?

you said I'm I . b e e s t e q o

1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 26

Definition of "Business" as  
can be clearly

9. Yes. The business being carried

on there was a gambling business?

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

on there.

Q. That was the business that was

being conducted there. Isn't that right?

.A I don't know whether you believe

It that way or not.

Q. Well, how would you define it?

A. We assumed there. We were

entitled to parole and return eluding of the

Crimeal Code of Canada and we did sample there.

Q. I only want to know what you did.

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in this, that these seven individuals contained

REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE

prelates and the operations they were to

• 80110783 857 NO 77160

A. Yes, that would be --

reminding together.

Not only were you surprised

together, you had a place where, and this was

done and you invited people to go there. This

was the business that you were doing. I'm





1 A. I don't know that I just agree  
2 with the way you put it there, Mr. Roach.

3 Q. What is the matter with the way  
4 I put it, if you do not agree?

5 A. I do agree we gambled there and  
6 gambled between and with each other; yes, sir.

7 Q. Not only between and with each  
8 other but with the public who were invited to  
9 go there, to the gambling resort.

10 A. Oh, yes, with members, yes.

11 Q. Yes. Who was the person primarily  
12 in charge, if anybody?

13 A. Of the premises, sir?

14 Q. Of the operations.

15 A. Of the gambling operations?

16 Q. Yes. I do not mean who was the  
17 dealer in a card game or who was the look-  
18 out man, or anything else; but, there must  
19 surely have been among the seven of you some  
20 person - it may have been you, you would know  
21 but I do not - who was the man who was the  
22 sort of leader, or was there any one of the  
23 seven who was the leader?

24 A. I didn't consider anybody as a  
25 leader. Big Harry was the -- I would say  
26 he was more instrumental in bringing us together  
27 than anyone, but as far as a leader I couldn't  
28 define any one individual as the leader.

29 Q. I see. Who hired the help?

30 A. Well, whoever worked there. There





A. I don't know, I don't know.

Q. With the way you put it there, Mr. Hooley.

A. What is the matter with the way?

Q. I put it, it was in the report.

A. I do agree we gambled there and

Q. Gambling is a game, isn't it?

A. Not only between and with each

Q. About the time the police was looking for

A. Go there, to the gambling resort.

Q. Yes, that's correct, yes.

A. Yes, that was the general impression.

Q. In regard to the

A. Of the premises, sir?

Q. In the premises.

A. Of the gambling operations?

Q. Yes. I do not mean who was the

A. Dealer in a card game or who was the look-

Q. Out man, or anything else; but, there must

A. Surely have been among the seven of you some

Q. Person - it may have been you, you would know

A. But I do not - who was the man who was the

Q. Sort of leader, or was there any one of the

A. Seven who was the leader?

A. I didn't consider anybody as a

Q. Leader. Big Harry was the -- I would say

A. He was more instrumental in bringing us together

Q. Than anyone, but as far as a leader I couldn't

A. Define any one individual as the leader.

Q. I see. Who hired the boys?

A. Well, I don't know, I don't know.

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1 was no -- no rules, or that, that somebody  
2 dealt cards or would get a few dollars or get  
3 paid from day to day. It was a day to day  
4 affair, there was no -- no hard and fast rule.

5 Q. Who paid the Hydro bill?

6 A. That came out of the banking  
7 account of the club.

8 Q. Did the club have a banking account?

9 A. Yes, sir.

10 Q. Where?

11 A. Somewhere in Cooksville.

12 Q. Do you know that?

13 A. Yes, sir.

14 Q. Who were the signing officers?

15 Were you one of them?

16 A. No. No, I believe it was Lafrade.  
17 I think Lafrade, who was the steward there,  
18 and I believe he was -- Angelo was there.

19 Q. Angelo was there. Not to be  
20 confused with Jack.

21 A. No, sir. They are two separate  
22 people.

23 Q. Well, then, Big Jack (sic) --

24 MR. WILSON: Big Harry.

25 THE COMMISSIONER: Q. -- Big Harry had  
26 rented these premises from the man with the  
27 foreign name. What did you say his name was?

28 A. Tachuk.

29 Q. Tachuk. Who paid the rent?

30 A. Well, the rent would come out of



was no -- no rules, or that, that somebody  
 dealt cards or would bet a few dollars or you  
 paid them day to day. It was a day to day  
 affair, there was no -- no hand and fast rule.

Q. Who paid the Hydro bill?

A. That came out of the banking

account of the club.

Q. Did the club have a banking account?

A. Yes, sir.

A. Somewhere in Jacksonville.

Q. Do you know that?

A. Yes, sir.

Were you one of them?

A. No, No, I believe it was later.

I think later, who was the steward there,

and I believe he was -- Angelo was there.

Q. Angelo was there. Not to be

confused with him.

A. No, sir. They are two separate

people.

Q. Well, then, Big Jack (sic) --

THE COMMISSIONER: Q. -- Big Henry had

rented these premises from the man with the

foreign name. What did you say his name was?

A. Technik.

Q. Technik. Who paid the rent?

A. Well, the rent would come out of





1 the bank account, sir.

2 Q. What went into the bank account?

3 A. Well, there was an accumulation  
4 of money, anything that -- any -- They had a  
5 food company there that used to sell food.

6 Q. Who put that money up?

7 A. Pardon, sir?

8 Q. Who put up the money in the first  
9 instance?

10 A. I think Big Harry paid the original  
11 rent, sir.

12 Q. He paid the rent. Was it his  
13 money that went into this bank account?

14 A. I couldn't swear to that, sir.  
15 I don't recall whether he would pay the rent  
16 in cash or whether he would put it into the  
17 bank account and pay it out of the bank account,  
18 or not, sir. I don't recall that, sir.  
19 That must be ten or twelve years ago now.

20 Q. How much were each of you paying  
21 Big Harry, and what did you pay him when you  
22 joined forces with him?

23 A. Pay him, sir?

24 Q. Yes.

25 A. For what, sir?

26 Q. I do not know what you got. How  
27 much money did you pay him at the time you  
28 made the original arrangement?

29 A. I don't recall paying him any  
30 money, sir.



the same account, sir.

Q. What went into the bank account?

A. Well, there was an accumulation

of money, anything that -- any -- They had a

food company there that used to sell food.

Q. And that was the money that

A. Pardon, sir?

Q. Who put up the money in the first

instance?

A. I think Big Harry paid the original

rent, sir.

Q. He paid the rent. Was it his

money that went into this bank account?

A. I couldn't say, sir.

I don't recall whether he would pay the rent

in cash or whether he would put it into the

bank account and pay it out of the bank account.

Q. I don't recall that, sir.

That must be ten or twelve years ago now.

Q. How much were each of you paying

Big Harry, and what did you pay him when you

joined forces with him?

A. Yes, sir.

Q. Yes.

A. For what, sir?

Q. I do not know what you got. How

much money did you pay him at the time you

made the original arrangement?

A. I don't recall that, sir.

money, sir.





1 Q. You say you did not pay him any  
2 money?

3 A. I don't recall it, sir.

4 Q. It is difficult to appreciate  
5 what arrangement you had out there. He had a  
6 charter in his inside pocket, he had the  
7 lease on this building and I find that he was  
8 joined by six other men, including yourself,  
9 and out of the seven of you you operated the  
10 business that was there. Is that the whole  
11 story?

12 A. As I recall, Big Harry had been  
13 interested in a club, Mr. Wilson mentioned some  
14 date prior to 1952 or '53, whatever we are  
15 dealing with now, and as I recall Big Harry --  
16 the premises had been opened prior to that  
17 and he had the premises there and had access  
18 to them and he organized us to --

19 Q. At the time you joined forces  
20 with Big Harry, what were the premises used  
21 for before you aligned yourselves with him?

22 A. As I remember, the Alpha Club  
23 charter had been at these premises and it was  
24 used as a club for years prior to my interest.

25 Q. I see.

26 A. It had been a club. Now, I don't  
27 know the details of it but prior to that Big  
28 Harry had been interested in these premises  
29 as the Alpha Club.

30 Q. I see. He was the club?





Q. You say you did not pay him any

money?

A. I don't recall it, sir.

Q. It is difficult to approximate

what arrangement you had out there. He had a

character in his inside pocket, he had the

lease on this building and I find that he was

joined by six other men, including yourself,

and out of the seven of you you operated the

business out of the building. Is that correct?

Q.

A. As I recall, Big Harry had been

interested in a club, Mr. Wilson mentioned some

date prior to 1932 or '33, whatever we are

dealing with now, and as I recall Big Harry --

the premises had been opened prior to that

and he had the premises there and had access

to them and he organized us to --

Q. At the time you joined forces

with Big Harry, what were the premises used

for before you aligned yourselves with him?

A. As I remember, the Alps Club

character had been at these premises and it was

used as a club for years prior to my interest.

Q. I see.

A. It had been a club. Now, I don't

know the details of it but prior to that Big

Harry had been interested in these premises

as the Alps Club.

Q. I see.



1 A. Well, I don't know whether you  
2 could say that, sir, or possibly -- I never  
3 asked him his -- what transpired before, but  
4 as I recall the Alpha Club charter was at these  
5 premises for quite a few years.

6 Q. Yes?

7 A. Prior to '53 or '2, I believe,  
8 the date may be that I came along.

9 Q. Yes.

10 A. So, it was always a club as far  
11 as I was concerned, the Alpha Club.

12 Q. Have you told us how it came  
13 about that you and McDermott and Lake and  
14 Clark and Lafrade and Ryan all at the same  
15 time joined forces with him? Who suggested  
16 you do it? I mean, that --

17 A. As I told you, it was Big Harry's  
18 suggestion. He had this Alpha Club. I knew  
19 Big Harry since I was a little boy. I had  
20 lived around the west end all my life. We  
21 were all familiar with each other.

22 Q. You say you did not put any money  
23 in at the time, personally, yourself, at the  
24 time you got an interest in it?

25 A. I don't recall giving Big Harry  
26 any money, sir.

27 Q. Or anybody else?

28 A. No, not to my recollection, sir.

29 Q. All right.

30 Now, Mr. Wilson, you go ahead.



A. Well, I don't know.

could say that, sir, or possibly -- I never

named him -- what transpired before, but

as I recall the Alpha Club charter was at that

time.

A. Yes.

A. I don't know.

the date may be that I came along.

A. Yes.

A. So, it was always a club as far

as I was concerned, the Alpha Club.

A. Have you told us how it came

about that you and the other men?

Clerk and Lathrop and Ryan all at the same

time joined forces with him? Who suggested

that?

A. As I told you, it was Big Henry's

suggestion. He had this Alpha Club. I knew

Big Henry since I was a little boy. I had

lived around the west end all my life. We

had all kinds of things.

A. You say you did not put any money

in at the time, personally, yourself, at the

time you got an interest in it?

A. I don't recall giving Big Henry

any money.

A. Or anybody else?

A. No, not to my recollection, sir.

A. All right.

Now, Mr. Lathrop, you are going to





1 MR. WILSON: Q. Did Razor Sullivan  
2 have anything to do with this set-up you are  
3 speaking of?

4 A. As far as I was concerned, sir?

5 Q. As far as the group of you was  
6 concerned.

7 A. For myself, sir, he was around  
8 the Alpha Club but not as far as I was concerned.

9 Q. He did not have a piece of the  
10 gambling operation?

11 A. Oh, I couldn't swear to that one  
12 way or the other, sir. He could have or he  
13 couldn't have. He didn't have a piece of me,  
14 sir.

15 Q. No.

16 A. I mean, this --

17 Q. He might have had a piece of  
18 somebody else?

19 A. That could very well be. It  
20 isn't uncommon for somebody to have a piece  
21 of somebody else.

22 THE COMMISSIONER: May I go over that?

23 Q. Seven of you started operating.  
24 Pay attention to the language I am using.  
25 When the seven of you started operating how  
26 were you to divide the profits?

27 A. Well, my recollection, sir, would  
28 be that we put in and gambled together. There  
29 was no -- Whatever piece you took and put  
30 your money in for, that is the piece you had.



Q. Now, what was the name of the person who was with you at the time you were speaking of?

A. I don't know the name of the person who was with me at the time I was speaking of.

Q. Now, as far as the group of you was concerned, did you know the name of the person who was with you at the time you were speaking of?

A. For myself, sir, he was around the Alpha Club but not as far as I was concerned.

Q. He did not have a piece of the...

A. Oh, I couldn't swear to that one way or the other, sir. He could have or he couldn't have. He didn't have a piece of me, sir.

Q. No.

A. I mean, this --

Q. He might have had a piece of...

A. That could very well be. It isn't uncommon for somebody to have a piece...

Q. Now I go over that?

A. Seven of you started operating.

Q. Pay attention to the language I am using.

A. When the seven of you started operating how were you to divide the profits?

A. Well, my recollection, sir, would be that we put in and rounded together. There was no -- whatever piece you took and put your money in for, that is the piece you had.





1 Q. Just enlarge on that and illustrate.

2 A. Well, as I recall it, sir, what-  
3 ever money everybody would take a piece. I  
4 might take 8 per cent or I might take 42 per  
5 cent or I might take 15 per cent. It  
6 wouldn't -- You wouldn't have any given per-  
7 centage.

8 Q. Would it vary from time to time?

9 A. Oh, it always varied, sir.

10 Q. One day to another?

11 A. Yes, sir.

12 Q. Would it vary during the day? I  
13 mean, during the 24-hour period the operations  
14 were mostly at night, weren't they?

15 A. Well, when there was a game I  
16 wouldn't say it was varied during the course  
17 of a game, no, sir.

18 Q. The operations were at night?

19 A. Yes, sir, pretty well an evening --  
20 an evening affair.

21 Q. The evening and early morning.

22 Just let me know how you carried on. The  
23 seven of you would be there, say, at nine  
24 o'clock on a given night. Did you sit around  
25 and say, "Now, the operations tonight, I am  
26 taking 8 per cent", and somebody else 20  
27 per cent and somebody else 30 per cent, and so  
28 forth? Is that the way you carried on?

29 A. That is the way. That is the  
30 way I would call it, sir. I couldn't swear to





Q. Just enlarge on this and illustrate.

A. Well, as I recall it, sir, what-  
 ever money everybody would take a piece. I  
 might take 8 per cent or I might take 12 per  
 cent or I might take 15 per cent. It  
 wouldn't -- You wouldn't have any given per-  
 cent.

Q. What is the time when it was  
 A. Oh, it always varied, sir.

Q. One day to another?

A. Yes, sir.

Q. Would it vary during the day? I  
 mean, during the 24-hour period the operations  
 were mostly at night, wasn't it?

A. Well, when there was a game I  
 wouldn't say it was varied during the course  
 of a game, no, sir.

Q. The operations were at night?

A. Yes, sir, pretty well an evening --  
 an evening activity.

Q. The evening and early morning.

Q. Just let me know how you carried on. The  
 seven of you would be there, say, at nine  
 o'clock on a given night. Did you all stand  
 and say, "Now, the operations tonight, I am  
 taking 8 per cent", and somebody else 20  
 per cent and somebody else 30 per cent, and so  
 forth? Is that how you carried on?

A. That is the way. That is the  
 way I would call it, sir. I couldn't swear to



1 any given percentage.

2 Q. I am not asking you to say what  
3 the exact percentage was but each individual  
4 would, before the operation started, it was  
5 agreed among you, "For tonight I", Feeley,  
6 "I will take 20 per cent"? This is only to  
7 illustrate. Lake would say, "All right, I  
8 will take 15." Lafrade, "I will take 20";  
9 and so on. Is that the way you operated,  
10 that is all I want to know.

11 A. Let me put it this way, Mr. Roach, :  
12 That is the way I have always operated but  
13 thinking back ten years ago I couldn't swear  
14 that in this particular group that that was  
15 exactly -- That is my recollection to the  
16 best of my ability.

17 Q. That is all I am asking you.  
18 That is your recollection of the way in which  
19 the business was operated. The next night  
20 you would meet and, depending on how much  
21 money each of you had, you might change  
22 the percentage. Do I understand it correctly?

23 A. That is what I am saying, sir.

24 Q. All right.

25 A. As far as -- I don't believe  
26 in my mind -- That is the way I have always  
27 functioned, from day to day, and I believe  
28 this operation was operated that way.

29 Q. All right. I have it.

30 MR. WILSON: Q. Now, when did you bring --





Q. I am not asking you to say what

the exact percentage was but what percentage

was, before the operation started, it was

about 100 percent, was it not, Mr. Wilson?

"I will take no pay now?" This is only to

illustrate. Take would say, "All right, I

will take 15 percent, will you not?"

and so on. Is that the way you operated,

that is all I want to know.

A. Let me put it this way, Mr. Wilson:

That is the way I have always operated but

thinking back ten years ago I couldn't agree

that in this particular group that that was

exactly -- That is my recollection to the

best of my ability.

Q. That is all I am asking you.

That is your recollection of the way in which

the business was operated. The next night

you would meet and, depending on how much

money each of you had, you might change

the percentage. Do I understand it correctly?

A. That is what I am saying, sir.

Q. All right.

A. I am not sure I am not

in my mind -- That is the way I have always

imagined, from day to day, and I believe

this operation was operated that way.

A. All right, Mr. Wilson.

MR. WILSON: Q. Now, when did you bring --





1 THE COMMISSIONER: Pardon me. I thought  
2 I was through. I want to get the punch line  
3 in if I may.

4 Q. When the seven of you were  
5 operating in that fashion that was not the club,  
6 that was seven men in the club. Isn't that  
7 so? That seems perfectly plain to me. You  
8 told how you operated, each got, as you put  
9 it, a piece of percentage that varied from  
10 night to night.

11 A. The seven of us.

12 Q. That was not the club carrying  
13 on business?

14 A. No.

15 Q. That was you seven men and that  
16 is all. Isn't that so?

17 A. Yes, I would think so.

18 THE COMMISSIONER: All right, Mr. Wilson.  
19 We have got that clear.

20 Now, I suppose that applied to all the  
21 clubs in the history of the gambling operations.

22 MR. WILSON: Any that this witness was  
23 connected with.

24 Q. When did you bring Ernie Midgley  
25 and Jack Riggs into the magic circle at the  
26 Alpha?

27 A. When did I bring them?

28 Q. When were they brought in, put  
29 it that way.

30 A. There, again, I would have to hazard



THE COMMISSIONER: Pardon me. I thought

I was through. I want to get the punch line

in it I may.

Q. When the seven of you were

operating in that fashion that was not the club,

that was seven men in the club. Isn't that

not what you were doing then?

Q. Now you operated, each got, as you put

it, a place to operate and make it

right to night.

A. The seven of us.

Q. That was not the club carrying

on business?

A. No.

Q. That was you seven men and three

is all. Isn't that not?

A. Yes, I would think so.

THE COMMISSIONER: All right, let's

go back to the club.

Now, I suppose that applied to all the

clubs in the history of the gambling operations.

Q. Right. Now this club was

connected with.

Q. When did you bring Bennie Midgley

and Jack Higgs into the magic circle at the

club?

A. When did I bring them?

Q. When were they brought in, but

it that way.

A. Where, again, I would have to have





1 a guess. It would be some time after the  
2 court case or during the --

3 Q. Riggs says it was in 1952. That  
4 could be true because the court case did take  
5 place in 1952.

6 A. Yes.

7 Q. But you say it was after the  
8 court case?

9 A. I would say some time in around  
10 there. It was certainly after the arrest.

11 Q. Were they brought in on the <sup>same</sup> terms  
12 as the original group?

13 A. To the best of my recollection,  
14 sir.

15 Q. Now, we have had Riggs give  
16 evidence here to the effect that you and McDermott  
17 took care of the protection for the club. What  
18 do you say as to that?

19 A. Well, I don't know what Riggs  
20 says is protection, or what he said. I don't  
21 know anything about that. Could you define  
22 for me what you are referring to, Mr. Wilson?

23 Q. Possibly you can tell me: In  
24 gambling parlance what is protection, when  
25 you are operating a gaming house?

26 A. Do you want my opinion?

27 Q. Yes, your opinion.

28 A. My opinion, as far as any  
29 protection, would be the charter and a good  
30 strong door.





Q. It would be some time after the

Q. Rizzo says it was in 1952. That

Q. But you say it was after the

A. I would say some time in around

there. It was certainly after the arrest.

Q. Were they brought in on the same

A. To the best of my recollection,

Q. Now, we have had Rizzo give

evidence here to the effect that you and

took care of the protection for the club. That

do you say as to that?

A. Well, I don't know what Rizzo

says is protection, or what he said. I don't

know anything about that. Could you define

Q. Possibly you can tell me: In

gambling business what is protection, when

you are operating a gaming house?

A. Do you want my opinion?

Q. Yes, your opinion.

A. My opinion, as far as any

protection, would be the character and a good



1 Q. Did -- While Riggs and Midgley  
2 were associated with that operation was anything  
3 taken off the top and paid to McDermott and  
4 yourself for looking after, say, look-outs,  
5 or any other matter of protection?

6 A. Well, there, again, I have lost  
7 you with this protection affair and I don't  
8 know what you are referring to as far as  
9 protection goes but -- so that it is very  
10 difficult for me to answer your question.

11 Q. If Ralph Clark says that a sum  
12 paid  
13 in excess of \$200 was being<sup>^</sup> to McDermott and  
14 yourself for protection would you agree with  
15 that or disagree with that?

16 A. Where was that, at Cooksville?

17 Q. Yes.

18 A. I would say that was a lie.

19 Q. You would say that is a lie.

20 Would you say, if Riggs said you took care of  
21 the protection, in the sense of trying to keep  
22 the police out while the game was progressing  
23 or on, that he, too, would be lying?

24 A. Well, I couldn't say that he was  
25 lying, sir, because I am a little confused,  
26 I would have to say that, with this protection.  
27 I don't know what the protection -- The only  
28 protection that went on, that I ever considered  
29 that we had from the police out there at  
30 Cooksville, was the charter and a good strong  
door that would take the police a long time to





Q. Did -- While Higgs and Kibbler

yourself for looking after, say, look-outs,

or any other matter of protection?

A. Well, there, again, I have lost

you with this protection matter and I don't

know what you are referring to as far as

protection goes but -- so that it is very

difficult for me to answer your question.

Q. It might be that you had

heard

in connection with the protection matter

that or disagree with that?

A. Where was that, at Cooksville?

Q. Yes.

A. I would say that was a lie.

Q. You would say that is a lie.

Would you say, if Higgs said you took care of

the protection, in the sense of trying to keep

the police out while the game was progressing

that you would be lying?

A. Well, I don't know what you mean

lying, sir, because I am a little confused.

I would have to say that, with this protection.

I don't know what the protection -- The only

protection that went on, that I ever considered

that we had from the police out there as

Cooksville, was the character and a good nature

been that would take the police long time to





1 break down. Now, other than that -- I may  
2 have assisted in putting on a strong door from  
3 time to time as the police broke them down,  
4 but other than that I don't know about  
5 protection.

6 Q. Did you get something off the top  
7 each week or each night for that type of  
8 operation, to make sure the door would be all  
9 right?

10 A. No, sir.

11 Q. You did not. Did you take turns  
12 in providing the money for the bank?

13 A. No. I don't know just what you  
14 are referring to but I can tell you this --

15 Q. You know what I am referring to.  
16 You have to have some money to operate a bank  
17 game.

18 A. I usually had money on me at all  
19 times and it was normal -- my money was usually  
20 used for the bank game or the fade game,  
21 whatever the case may have been, and the other  
22 interested parties would straighten up with  
23 me later.

24 Q. So, when Riggs says you and  
25 McDermott looked after the money for the bank,  
26 that would be correct?

27 A. Well, I put up my money most of  
28 the time to -- or, issued the money for the  
29 crap game.

30 Q. For instance, Riggs, at 4523, was



break down. Now, other than that -- I may

have been in the office at a certain time

and at that time I don't know about

one owner than that I don't know about

operation.

Q. Did you get something off the top

each week on each night for that type of

operation, to make sure the door would be all

right?

A. No, sir.

Q. You did not. Did you take them

in providing the money for the bank?

A. No. I don't know just what you

are referring to but I can tell you this --

Q. You know what I am referring to.

You have to have some money to operate a bank

game.

A. I usually had money on me at all

times and it was normal -- my money was usually

used for the bank game on the table game,

whatever the case may have been, and the other

interested parties would straighten up with

me later.

Q. So, when Riker says you and

McDonnell looked after the money for the bank,

that would be correct?

A. Well, I put up my money most of

the time to -- or, I loaned the money for the

game.

Q. The chairman, please, at this time.





1 asked about who the bag man was, and it was  
2 suggested possibly Maxy Baker was, and he said,  
3 oh, no, it was Feeley. He says at line 21:

4 "A. Feeley used to look

5 "after the money.

6 "Q. All the money?

7 "A. Yes."

8 THE COMMISSIONER: Q. You agree with  
9 that, do you?

10 A. Yes, sir. Yes, sir.

11 Q. What did you mean a moment ago  
12 that at the end of the night you would make  
13 your settlements with them?

14 A. We would determine just how we had  
15 done and figure out whatever each person owed.

16 Q. You would supply the necessary --

17 A. My cash. My cash coming out of  
18 my pocket.

19 Q. Yes, I understand that. Then,  
20 at the end of the night the assets in the  
21 bank had trebled, we will say. You would get  
22 your original money back and, then, the  
23 profit would be divided percentage-wise  
24 between you all. Is that it?

25 A. That is it, sir.

26 Q. I understand that now.

27 MR. WILSON: Q. Speaking of Maxy Baker,  
28 did he ever have an interest in the Alpha Club  
29 or the Centre Road Club at any time you were  
30 operating there?





asked about who the pay man was, and it was suggested possibly Mary Baker was, and he said, oh, no, it was Feeley. He says at line 21:

A. Feeley had to look

after the money.

A. All the money.

A. Yes.

Q. The money was

that, do you?

A. Yes, sir. Yes, sir.

Q. What did you mean a moment ago

that at the end of the night you would have

your statement with them?

A. We would determine just how we had

done and figure out whatever each person owed.

Q. You would supply the necessary --

A. My cash. My cash coming out of

my pocket.

Q. Yes, I understand that. Then,

at the end of the night the assets in the

bank had expended, we will say. You would get

your original money back and, then, the

profits would be divided percentage-wise

between you all. Is that it?

A. That is it, sir.

Q. I understand that now.

MR. WILSON: Q. Speaking of Mary Baker,

did he ever have an interest in the Alpha Club

at the time that time or was that just

another matter?



1 A. With me?

2 Q. With anybody operating there.

3 A. Not to my knowledge. He never  
4 had any interest with me, certainly.

5 Q. You operated while the Alpha  
6 charter was in being and on the basis of Unit  
7 226 of the Army, Navy and Airforce Veterans?

8 A. Airforce.

9 Q. 234 -- Anyway, I have 236. It  
10 might have been 234 earlier?

11 A. I have forgotten the numbers.

12 Q. We are not in a numbers game today.

13 MR. ROSE: There is no suggestion of it.

14 MR. WILSON: Q. How long did Midgley  
15 and Riggs operate out there with you?

16 A. Up until the time the place closed.

17 Q. Right up until 1960?

18 A. To the best of my recollection,  
19 yes, sir.

20 Q. Now, in this period of --

21 THE COMMISSIONER: Well, now --

22 Q. When it was closed in 1960 who  
23 were the personnel at that time operating that  
24 place? It started out with you and McDermott  
25 and Ryan and Lake and Big Harry and Clark  
26 and Lafrade, and Midgley and Riggs joined you.  
27 When it closed up who were the personnel?

28 A. Riggs, Midgley, McDermott and  
29 myself.

30 Q. It had been reduced to the four of



Q. With me?

A. Not to my knowledge. He never

Q. You operated while the Alpha

Q. character was in being and on the basis of Unit

Q. 225 of the Army, Navy and Air Force Veterans?

A. Answer.

Q. 234 -- Anyway, I have 235. Is

Q. I have forgotten the number.

Q. We are not in a number line today.

MR. ROSE: There is no suggestion of it.

MR. WILSON: Q. How long did Magley

and Riggs operate out there with you?

A. Up until the time the place closed.

Q. Right up until 1950?

A. To the best of my recollection.

Q. Now, in this period of --

THE COMMISSIONER: Well, now --

Q. When it was closed in 1950 who

were the personnel at that time operating that

place? It started out with you and McDermott

and Ryan and Lake and Big Henry and Clark

and LaRosa, the others were there before you.

When it closed up who were the personnel?

A. Riggs, Magley, McDermott and

Q. It had been reduced to the form of





1 you?

2 A. That was the four people.

3 Q. That is what I say, the original  
4 nine had been reduced to four?

5 A. You may say that, sir.

6 Q. I know I may say it, but is that  
7 not a fact: At the time it was closed, the  
8 personnel operating the place was yourself,  
9 McDermott, Midgley and Riggs?

10 A. That is right, sir.

11 MR. WILSON: Q. In 1952 and 1953 what  
12 opposition or competition did you have in  
13 the Toronto area in the gambling field?

14 A. Well, I don't just follow you  
15 too well there, Mr. Wilson, but I would have to  
16 think. You are referring to other gambling?

17 Q. Yes.

18 A. In the Province or in Toronto?

19 Q. No, just in the Toronto area.

20 A. I would have no way of determining  
21 that at all, Mr. Wilson. In my opinion, there  
22 may have been twenty crap games or a thousand  
23 gambling places around Ontario or Toronto.  
24 I would have no way of knowing that at all.

25 Q. I am not speaking of a floating  
26 game but games based at some particular  
27 address, and I suggest for example the Riverdale  
28 Club which originally was on Eglinton and  
29 then went into Downsview.

30 A. Yes, sir.



Q101

A. That was the four people.

Q. That is what I say, the original

Q. Now we have to go back to 1932

A. You may say that, sir.

Q. I know I may say it, but is that

not a fact: At the time it was closed, the

personnel operating the place was yourself,

Is that right, sir?

A. That is right, sir.

MR. WILSON: Q. In 1932 and 1933 what

opposition or competition did you have in

the Toronto area in the gambling field?

A. Well, I don't know of any

today there, Mr. Wilson, but I would have to

think. You are referring to other gambling?

Q. Yes.

A. In the Province or in Toronto?

Q. No, just in the Toronto area.

A. I would have no way of determining

that at all, Mr. Wilson. In my opinion, there

may have been twenty craps games or a thousand

gambling places around Ontario or Toronto.

I would have no way of knowing that at all.

Q. I am not speaking of a listing

Q. Now we have to go back to 1932

address, and I suggest for example the Riverdale

club which originally was on Kingston and

then went into Downsview.

A. Yes, sir.





1 Q. That was operating about this  
2 time, wasn't it? It started up about this  
3 time?

4 THE COMMISSIONER: Which time?

5 MR. WILSON: Q. 1952 to 1953.

6 A. I would only be guessing at the  
7 dates but I would think it would be somewhere  
8 in those years, give or take a year or two  
9 one way or the other.

10 THE COMMISSIONER: Just a moment.

11 Q. Where did it start, the Riverdale  
12 Club? Eglinton?

13 A. I believe it was on Eglinton for  
14 a while, sir.

15 Q. That is where it started and then  
16 went to Downsview, Mr. Wilson said.

17 A. Yes.

18 MR. WILSON: On Sheppard Avenue West  
19 in Downsview.

20 THE COMMISSIONER: Is this a good time  
21 for the mid-morning recess?

22 MR. WILSON: Yes.

23 ---Short recess.  
24

25  
26 (Page 9930 follows)  
27  
28  
29  
30





Q. That was operating about this time, wasn't it? It started up about this time?

THE COMMISSIONER: Which time?  
MR. WILSON: 6. 1982 to 1983.

A. I would only be guessing at the dates but I would think it would be somewhere in those years, give or take a year or two one way or the other.

THE COMMISSIONER: Just a moment.

Q. Where did it start, the Riverdale?

A. I believe it was on Brighton for a while, sir.

Q. That is where it started and then went to Downview, Mr. Wilson said.

A. Yes.

MR. WILSON: On Shepherd Avenue West

in Downview.

THE COMMISSIONER: Is this a good time

for the mid-morning news?

MR. WILSON: Yes.

(page 3 of 10)



D/FJMcG/1

1 ---On resuming after recess:

2 MR. WILSON: It has been brought to my  
3 attention, Mr. Commissioner, that Mr. Rose  
4 has been conversing with the witness during  
5 adjournments and intermissions. I think  
6 he should be instructed that he is not to  
7 do that.

8 THE COMMISSIONER: Yes, I think while  
9 he is under cross-examination that should  
10 not be done.

11 I see that Mr. Rose is not here.

12 MR. WILSON: Well, when he gets back  
13 maybe we can repeat that.

14 THE COMMISSIONER: Yes. You will not  
15 talk to Mr. Rose while you are being  
16 examined.

17 THE WITNESS: Well, Mr. Commissioner,  
18 I have got legal matters and court cases  
19 and appeals that Mr. Rose is acting for me.

20 THE COMMISSIONER: Any discussion  
21 with him on other matters can be deferred.  
22 You are not going to be in the witness box  
23 too long, I hope.

24 MR. WILSON: I think Mr. Rose is back  
25 now, Mr. Commissioner.

26 THE COMMISSIONER: Mr. Rose, I do not  
27 think you should be conferring with this  
28 witness during the course of his examination.  
29 You agree, do you not?  
30

You agree, do you not?

witness during the course of his examination.  
think you should be conferring with this

THE COMMISSIONER: Mr. Rose, I do not

now, Mr. Commissioner.

MR. WILSON: I think Mr. Rose is back

too long, I hope.

You are not going to be in the witness box

with him on other matters can be deferred.

THE COMMISSIONER: Any discussion

and appeals that Mr. Rose is acting for me.

I have got legal matters and court cases

THE WITNESS: Well, Mr. Commissioner,

thank you.

talk to Mr. Rose while you are being

THE COMMISSIONER: Yes. You will not

maybe we can repeat that.

MR. WILSON: Well, when he gets back

I see that Mr. Rose is not here.

not be done.

he is under cross-examination that should

THE COMMISSIONER: Yes, I think while

do that.

he should be instructed that he is not to

participate in the examination.

has been conversing with the witness during

examination, Mr. Commissioner, that Mr. Rose

MR. WILSON: It has been brought to my





1 MR. ROSE: I don't know whether I agree  
2 or not, Mr. Commissioner. I think there is  
3 nothing sinister in speaking to my client  
4 during the course of the examination. I  
5 might say at the present time there are  
6 at least six matters of fair urgency that  
7 I am conferring constantly on with both  
8 Mr. Feeley and Mr. McDermott.

9 THE COMMISSIONER: Well, they are not  
10 so urgent that you cannot confer about them  
11 after he leaves the witness box. If they  
12 are, you come to me and tell me what the  
13 urgency is and I will decide whether or not  
14 you may discuss the matter with him.

15 MR. ROSE: Do I take it, sir, you  
16 are taking the position I should not speak  
17 to this witness until such time as all of  
18 the examination is completed, which may  
19 take several days?

20 THE COMMISSIONER: I think that is  
21 right.

22 MR. ROSE: I might say I will be happy  
23 to confer with you perhaps to-night because  
24 I have made arrangements that I am going  
25 to speak to both Feeley and McDermott at  
26 the Toronto Jail on Saturday on several  
27 different matters.

28 THE COMMISSIONER: Well, this man's  
29 examination may be concluded by then. For  
30 the time being, any urgent matter, come and

on now, Mr. Commissioner. I think there is  
nothing whatever in spending to my client  
during the course of the examination. I  
might say at the present time there are  
at least six matters of fair urgency that  
I am conferring constantly on with both  
Mr. Feeley and Mr. McDermott.

THE COMMISSIONER: Well, they are not  
so urgent that you cannot confer about them  
after he leaves the witness box. If they  
are, you come to me and tell me what the  
urgency is and I will decide whether or not  
you may discuss the matter with him.

MR. ROSEN: Do I take it, sir, you  
are taking the position I should not appear  
to this witness until such time as all of  
the examination is completed, which may

THE COMMISSIONER: I think that is

right.

MR. ROSEN: I might say I will be happy  
to confer with you perhaps to-night because  
I have made arrangements that I am going  
to speak to both Feeley and McDermott at  
the Toronto Jail on Saturday on several

THE COMMISSIONER: Well, this matter  
examination may be concluded by then. For  
the time being, any urgent matter, come and





1 speak to me about it.

2 MR. ROSE: I wonder perhaps if it might  
3 be done this way, sir, that I will undertake  
4 not to speak -- of course, that puts me in a  
5 very bad position. Mr. Wilson said just  
6 this morning when he was asking about the  
7 Grenville Avenue property, the Grenville  
8 Street property, Mr. Wilson turned around  
9 and said, "Perhaps Mr. Rose can inform us."  
10 I asked Mr. Feeley during this adjournment,  
11 "Will you let me know who your solicitors  
12 were acting for you on that property and I  
13 will endeavour to find out the details  
14 of it?" His response to me was that he  
15 cannot recall at the moment who the  
16 solicitors were but he would search his  
17 mind and would confer -- maybe Mr. McDermott  
18 might know who they were -- and let me know.  
19 Now, that is one matter that has come up.

20 During the course of these proceedings  
21 there may be other matters come up such as  
22 the whereabouts of documents and what  
23 occurred at certain times. Mr. Feeley is  
24 in custody, he is not a free agent, he is  
25 not able to go out and dig up that  
26 information. And as happened yesterday  
27 I was called upon to produce certain things  
28 that he is not able to do. It makes it  
29 most difficult for him to comply with the  
30 request of you, as Commissioner.



04.10.80 It happened when I : 1007.24

DO NOT WRITE IN THESE SPACES

not to speak -- of course, that I am in a

very bad position. The British had been

same morning when he was talking about the

[illegible]

"and said, 'Perhaps Mr. Rose can inform us.'"

Downloaded by [Your Name] on [Date] at [Time].

"Will you let me know who your solicitor

I am very sorry that no one got anything from

will endeavour to find out the details

to 129" His response to me was that he

and only women and as I have known

[illegible]

at the time they were -- and I do not know.

there may be other factors come in such as

accounted at certain times. Mr. Leavelle in

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

not able to do one and a half times

1. The above symbols of each letter are:

What he is not able to do.



1 THE COMMISSIONER: Well, if those matters  
2 arise we can discuss them.

3 THE WITNESS: Do I take it, Mr. Commissioner,  
4 that you are ruling that I cannot speak to my  
5 counsel at all?

6 THE COMMISSIONER: I think you should not  
7 speak to your counsel during the course of  
8 your examination. If some urgent matter  
9 arises Mr. Rose can speak to me about it and  
10 I will then decide.

11 THE WITNESS: Well, I was planning on  
12 having lunch with him to discuss a few of my  
13 affairs with him and the legal matters in  
14 reference to my appeal that is pending and  
15 the court action that I am now in. They  
16 wouldn't be part of the scope of this  
17 investigation.

18 THE COMMISSIONER: I don't want to  
19 interfere or embarrass you in any legitimate  
20 discussions that you may want to have with  
21 your counsel.

22 THE WITNESS: Then I take it that I am  
23 entitled to have those discussions with Mr.  
24 Rose?

25 MR. ROSE: I wonder, sir, if this might  
26 be the answer; Mr. Feeley is in custody and  
27 he is constantly with either one or two  
28 members of the Ontario Provincial Police.  
29 Now, I am quite content to have my discussions  
30 I have with Mr. Feeley in their presence.



THE COMMISSIONER: Well, in those matters  
arise we can discuss them.

THE WITNESS: I am not going to say  
that you are saying that I cannot speak to my  
counsel at all?

THE COMMISSIONER: I think you should not  
speak to your counsel during the course of  
your examination. If some urgent matter  
arises Mr. Rose can speak to me about it and  
I will refer it.

THE WITNESS: Well, I was planning on  
having lunch with him to discuss a few of my  
affairs with him and the legal matters in  
reference to my appeal that is pending and  
the court action that I am now in. They  
wouldn't be part of the scope of this  
examination.

THE COMMISSIONER: I don't want to  
interfere or obstruct you in any legitimate  
discussions that you may want to have with  
your counsel.

THE WITNESS: Then I take it that I am  
entitled to have those discussions with Mr.

Mr. Rose: I wonder, sir, if this might  
be the answer; Mr. Peely is in custody and  
he is constantly with either one or two  
members of the Ontario Provincial Police.  
Now, I am quite content to have my discussions  
I have with Mr. Peely in their presence.





1 THE COMMISSIONER: That is fine.

2 MR. ROSE: If that satisfies you, Mr.  
3 Commissioner?

4 THE COMMISSIONER: That is satisfactory  
5 to me.

6  
7  
8  
9  
10 EXAMINATION BY MR. WILSON CONT'D:

11 Q. We were discussing the Riverdale  
12 Club at the adjournment. One of the persons  
13 involved in that operation was Dominic Simone  
14 who is well known to you?

15 A. I know him, yes.

16 Q. Before he started up the Riverdale  
17 operations he had a floating crap game?

18 A. (No audible answer.)

19 THE COMMISSIONER: Q. That is a question.

20 A. Oh, I thought he was telling me  
21 that.

22 MR. WILSON: Q. I am asking you; isn't that  
23 a fact?

24 A. To the best of my knowledge, sir,  
25 I would think that that would be common gossip.

26 Q. Isn't it a fact that you called  
27 Simone a number of times and suggested he  
28 give up the floating crap game and get some  
29 permanent base for his operations?

30 A. I don't recall suggesting that to



THE COMMISSIONER: That is true.  
MR. KENNEDY: It does associate you, Mr.

THE COMMISSIONER: That is very important.

to me.

EXAMINATION BY MR. JAMES G. GILLES

Q. We were discussing the Riverdale

club at the beginning, was it not?

involved in that operation was Dominic Simone

who is well known to you?

A. I know him, yes.

Q. Before he started up the Riverdale

operations he had a floating crap game?

A. (no definite answer)

THE COMMISSIONER: Q. That is a question.

A. Oh, I thought he was telling me

MR. KENNEDY: I am asking you to state

a fact

A. To the best of my knowledge, sir.

I would think that that would be common knowledge.

Q. Isn't it a fact that you called

Simone a number of times and suggested he

give up the floating crap game and get some

permanent place for his operations?

A. I don't recall suggesting that to





1 him. Eddie Blair, who was a partner with Simone,  
2 came to me and suggested that I take a piece  
3 of Simone's game.

4 Q. This would be around -- ?

5 A. '52, '53 or '54.

6 THE COMMISSIONER: Q. What game?

7 A. Whatever game is in question here,  
8 some game of Simone's. Simone wanted to  
9 open up a club.

10 MR. WILSON: Q. Are you denying that  
11 you did not take a piece of that operation?

12 A. No, I didn't say that, sir.

13 Q. Well, did you?

14 A. Subsequently I did take a percentage  
15 of Simone's game.

16 THE COMMISSIONER: Q. Where was he operating  
17 then?

18 A. I believe it was on Eglinton  
19 Avenue, sir.

20 Q. What was your percentage?

21 A. There again I would only be guessing,  
22 sir. I would only have to make a guess. It  
23 may have been 20 or it may have been 30. It  
24 escapes my memory, sir.

25 Q. As low as 20 and as high as what?

26 A. Well, as I say, sir, I am only  
27 guessing. It may have been 20, it may have  
28 been 30, it may have been 18 or 17. It is a  
29 long time ago and I cannot swear to what  
30 it was.





Q. Now, what date, who was a partner with Simon, came to me and suggested that I take a place

A. This would be around -- ?

A. '22, '23 or '24.

THE COMMISSIONER: Q. What game?

A. Whatever game is in question here,

Q. Now, you say that, Simon, you

open up a club.

MR. WILSON: Q. Are you denying that

you did not take a place at that occasion?

A. No, I didn't say that, sir.

Q. Well, say you

A. Subsequently I did take a place

of Simon's game.

THE COMMISSIONER: Q. Now, you say

A. I believe it was on Wilton

Avenue, sir.

Q. Now, you say that

A. There again I would only be guessing.

Q. Now, you say that

any have been 20 or it may have been 30. Is

that correct, sir?

Q. As low as 20 and as high as 30?

A. Well, as I say, sir, I am only

guessing. It may have been 20, it may have

been 30, it may have been 15 or 10. It is a

long time ago and I cannot remember so much

it was.



1 MR. WILSON: Q. When you talk about the  
2 piece you had, you are speaking in terms of  
3 McDermott and yourself, aren't you?

4 A. Yes, sir.

5 Q. It might have started about 25  
6 per cent and increased as high as 40 per cent?

7 A. I don't recall, sir. It may  
8 have. I cannot say.

9 Q. You continued with the operation  
10 after it moved to Downsview?

11 A. Yes, sir. I have it in my mind  
12 for a short time in Downsview. I don't know  
13 these dates at all, sir. I just have it in  
14 the back of my mind.

15 Q. Well, the operation at Downsview  
16 lasted about fifteen months, didn't it?

17 A. It could have, sir. I wouldn't  
18 be able to say.

19 Q. Am I right in saying ---

20 THE COMMISSIONER: Q. Well, did your  
21 arrangement continue until the Downsview place  
22 was closed down?

23 A. I don't believe so, sir. I think  
24 it was for a short period of time in Downsview.  
25 I couldn't determine that. What I have in  
26 my mind is that it was a short period of time.

27 MR. WILSON: Q. Well, did you continue  
28 up until the time there was a raid and Dominic  
29 Simone was charged and convicted?

30 A. No. I don't believe I had an



MR. WILSON: Q. When you talk about the

place you had, you are speaking in terms of

McDonough and yourself, aren't you?

A. Yes, sir.

Q. It might have started about 25

per cent and increased as high as 40 per cent?

A. I don't recall, sir. It may

have. I cannot say.

Q. You continued with the operation

after it moved to Downsville?

A. Yes, sir. I have it in my mind

for a short time in Downsville. I don't know

these dates at all, sir. I just have it in

the back of my mind.

Q. Well, the operation at Downsville

lasted about fifteen months, didn't it?

A. It could have, sir. I wouldn't

be able to say.

Q. Am I right in saying --

THE COMMISSIONER: Q. Well, did your

arrangement continue until the Downsville place

was closed down?

A. I don't believe so, sir. I think

it was for a short period of time in Downsville.

I couldn't determine that. What I have in

my mind is that it was a short period of time.

MR. WILSON: Q. Well, did you

up until the time there was a raid and Dominic

Simone was charged and convicted?

A. No. I don't believe I had an





1 interest -- and there again I am only guessing,  
2 I have no books or diaries to go by -- I don't  
3 believe I was a partner at a percentage when  
4 Simone was arrested.

5 Q. If Ralph Clarke and Dominic Simone  
6 say you did have an interest right through  
7 to the time of the raid and conviction or  
8 the raid and arrest, you would say they  
9 were wrong?

10 THE COMMISSIONER: No; he hasn't said  
11 that.

12 A. I haven't said that. I don't  
13 know whether I could say that, Mr. Wilson.  
14 I have got no records. I probably couldn't  
15 confirm or deny one way or the other, sir.

16 MR. WILSON: Q. Apart from Simone  
17 and McDermott, am I right in saying that  
18 Harry Taylor, Sam Mule and Ralph Clarke had  
19 a piece of this operation?

20 A. Well, Eddie Blair had a piece  
21 of it.

22 Q. What about Harry Taylor?

23 A. Harry Taylor; I don't know that  
24 I know Harry Taylor. But in my opinion  
25 there could have been at least that many.  
26 It seems to me that Simone -- Blair had told  
27 me over the years that Simone had new  
28 partners and had this and he was out of  
29 money and he got new partners, so it could  
30 very well be that those people all had a



interest -- and there again I am only guessing.  
 I have no books or diaries to go by -- I don't  
 believe I was a partner at a partnership when  
 Simone was arrested.

Q. It Ralph Clarke and Dominic Simone  
 say you did have an interest right through  
 to the time of the trial and conviction of  
 the raid and arrest, you would say they  
 were wrong?

THE COMMISSIONER: No; he hasn't said  
 that.

A. I haven't said that. I don't  
 know whether I could say that, Mr. Wilson.  
 I have got no records. I probably couldn't  
 confirm or deny one way or the other, sir.

Q. What about Harry Taylor  
 and McDermott, am I right in saying that  
 Harry Taylor, Sam White and Ralph Clarke had  
 a place of this operation?

A. Well, Eddie Blair had a place  
 of it.

Q. What about Harry Taylor?  
 A. Harry Taylor; I don't know that.

I know Harry Taylor. But in my opinion  
 there could have been at least that many.  
 It seems to me that Simone -- Blair had told  
 me over the years that Simone had had  
 partners and had told me he was out of  
 money and he got new partners, so it could  
 very well be that those people had had a





1 percentage of Simone's percentage, but I would  
2 have no way of determining who was a partner,  
3 when. I can only tell you about my own  
4 percentage.

5 THE COMMISSIONER: Q. By your own, you  
6 mean McDermott and yours?

7 A. Yes.

8 MR. WILSON: Q. I suppose you were there  
9 quite regularly to see what was going on?

10 A. Well, I was there on many  
11 occasions, sir. I don't know what you mean  
12 by "quite regularly". I couldn't swear how  
13 often I was there because I had no particular  
14 interest in keeping track. I was there on  
15 various occasions. Just how regularly, I  
16 don't know, sir.

17 MR. WILSON: Q. Isn't it a fact that  
18 Ralph Clarke, who had been in the Alpha  
19 operation with you, was your representative  
20 at the Riverdale?

21 A. On occasions that I wasn't there  
22 Ralph Clarke would represent me, yes.

23 THE COMMISSIONER: Q. So we have it  
24 thus, that either you or Clarke were there  
25 to look after the interests that you and  
26 McDermott had in the operation?

27 A. Well, I wouldn't just define it  
28 that way. Blair was there on enormous  
29 occasions ---

30 Q. Well, Blair wasn't representing



percentage of Clark's percentage, and I would  
have no way of determining who was a partner,  
then. I can only tell you about my own

own movements and yours?

MR. WINSTON: Q. I suppose you were there  
quite regularly to see what was going on?

A. Well, I was there on  
occasional, etc. I don't know what you mean  
by "quite regularly". I couldn't swear how  
often I was there because I had no particular  
interest in keeping track. I was there on  
various occasions. Just how regularly, I

MR. WINSTON: Q. Isn't it a fact that  
Joseph Clarke, who had been in the Alpha  
operation with you, was your representative  
at the Riverdale?

A. On occasions that I wasn't there

THE COMMISSIONER: Q. So we have it  
then, that either you or Clarke were there  
to look after the interests that you and  
McDonnell had in the operation?

A. Well, I wouldn't put it in that  
way. There was there on occasions

Q. Well, didn't you have a representative



1 you?

2 A. Blair was. I used to -- most of  
3 my dealings were through Blair. Blair was  
4 aware of what was going on probably better  
5 than anybody and I used to ---

6 Q. You used to what?

7 A. I used to find out from Blair  
8 what happened if I wasn't there along with---

9 Q. What was your business arrange-  
10 ment with Blair? You said you had business  
11 arrangements with him; what were they?

12 A. Well, Blair was a bookmaker  
13 and I bet with him and he bet with me over  
14 the years. I had known him over the years.  
15 And he was instrumental in bringing me  
16 together with Simone.

17 Q. You and McDermott?

18 A. Yes, sir.

19 Q. May I put it this way, that when  
20 you were not there in person Clarke or Blair  
21 was there to represent you, to represent  
22 you and McDermott; is that putting it  
23 fairly?

24 A. Yes, I would say that is  
25 reasonably close.

26 MR. WILSON: Q. Isn't it a fact that  
27 \$500 was taken off the top each week to pay  
28 to McDermott and yourself to look after  
29 protection and to take care of Sol Gebirtig's  
30 \$100 fee or whatever it was?



A. Blain was. I need to -- need of

my feelings were turned in Blain. Blain was

aware of what was going on probably better

than anybody and I need to ---

Q. You need to what?

A. I need to find out from Blain

what happened if I can't learn from him with-

Q. You need to find out from him with-

ment with Blain? You said you had business

arrangement with him when they

A. Well, Blain was a bookkeeper

and I bet with him and he bet with me over

the years. I don't know the exact date.

And he was instrumental in bringing me

together with Ramone.

Q. You are not sure?

A. Yes, sir.

Q. May I put it this way, and when

you were not there in person Clark or Blain

was there to represent you, to represent

you and Ramonoff; is that putting it

fairly?

A. Yes, I would say that is

fairly.

MR. WILSON: Q. Isn't it a fact that

\$500 was taken off the top each week to pay

to Ramonoff and yourself to look after

protection and to take care of the bookkeeper's

\$100 fee or whatever it was?





1 A. No, I had no such arrangement with  
2 anyone.

3 Q. I said a week; it is a month; it  
4 is \$500 a month?

5 A. Blair did tell me that he did  
6 take off \$500 a month and used to get \$500  
7 a month from the game, but the explanation  
8 for that was that when I wasn't there I  
9 was to get a pay.

10 THE COMMISSIONER: Q. To get a what?

11 A. To get a pay.

12 Q. To get paid what?

13 A. A salary.

14 Q. For what?

15 A. For being a partner in the game.

16 Maybe I should explain it this way; if five  
17 or six of us fellows all put in to bank a  
18 crap game or have a fade game or whatever  
19 the case in question may be, and if I am not  
20 there and four of them take a pay, then at the  
21 end of the month the place could very easily  
22 and probably would break even or lose money  
23 because the interested parties in this  
24 particular game took out money each day  
25 for themselves. Blair explained it to me --  
26 I told them if that was the case -- he told  
27 me this was going on -- I told him if that  
28 was the case it was no good to me because if  
29 I wasn't there at the end of the month I  
30 probably would be a loser and everybody else



probably would be a loser and everybody else  
I wasn't there at the end of the month I  
was the case it was no good to me because it  
me this was going on -- I told him it that  
I told them it that was the case -- he told  
for themselves. Blain explained it to me --

particular game took out money each day  
because the interested parties in this  
and probably would break even or lose money  
end of the month the place could very easily  
there and four of them take pay, then at the  
the case in question may be, and if I am not  
crop game or have a fake game or whatever  
or six of us fellows all put in to bank a  
maybe I should explain it this way; if five

A. For being a partner in the game.

A. A salary.

A. To see how much

A. To see how much

THE COMMISSIONER: Q. To see a what?

was to get a pay.

for that was that when I wasn't there I

a month from the game, but the expiration

takes out \$500 a month and used to get \$500

A. Blain did tell me that he did

in four a month

Q. I said a week; it is a month; is

A. No, I had no such arrangement with





1 would be a winner. So, with that, Blair made  
2 some arrangements, and I don't know who with,  
3 either Simone or Clarke or whoever it would  
4 be with, that he took off so much money a  
5 month for a pay.

6 Q. And paid it to you?

7 A. Yes, sir.

8 Q. How much was that?

9 MR. WILSON: \$500 a month.

10 A. No, I didn't get \$500. I averaged  
11 about \$15 a day, sir. Whenever they had a  
12 game. So it fluctuated.

13 MR. WILSON: Q. That of course ---

14 THE COMMISSIONER: Q. Just a moment.  
15 It was paid to you as what you called a  
16 salary?

17 A. Yes, sir.

18 Q. You say that averaged \$15 a day?

19 A. Well, I may have said that, sir,  
20 but I didn't really mean that. Let me  
21 clarify it for you. It would be \$15 a day  
22 whenever they had a game, so that if, say,  
23 at the end of the month they had a game  
24 twenty days out of a month, that would  
25 be \$300, wouldn't it?

26 Q. Yes.

27 A. And if it was thirty, it would  
28 be \$450?

29 Q. Yes.

30 A. So, to the best of my recollection,





would be a winner. So, with that, I think I have  
some arrangements, and I don't know who with,  
other things or things or whoever it was  
be with, that he took off so much money a  
month for a day.

Q. How much was that?  
A. \$500 a month.  
Q. How much was that?

MR. WILSON: \$500 a month.  
A. About \$15 a day, sir. Whenever they had a  
game, so it fluctuated.

MR. WILSON: W. What of course --  
A. It was paid to you on what you called a  
salary.

Q. You say that averaged \$15 a day?  
A. Yes, sir.

Q. And I didn't really mean that, did I?  
A. It would be \$15 a day.  
Q. Whenever they had a game, so that is, say,  
at the end of the month they had a game  
twenty days out of a month, that would

be \$300 a month.  
A. And if it was thirty, it would  
be \$450.

Q. So, to the best of my recollection,  
A. Yes.



1 it would fluctuate. It would be \$15 each time  
2 that there was a game.

3 Q. And that was paid to you as a  
4 salary? That is the language you used.

5 A. Yes, I would say as a wage.

6 Q. As a wage?

7 A. Yes, sir.

8 Q. For being absent?

9 A. For being a partner.

10 Q. Where did you declare that in  
11 your income tax returns?

12 A. Pardon, sir?

13 Q. Where did you declare that in  
14 your income tax returns?

15 A. Well, that would be all in my  
16 gross income tax, sir. That would be money --  
17 it was all figured in together.

18 Q. The income tax form specifies  
19 income by way of salary or wages, etcetera.  
20 You did not declare that as such?

21 A. I would declare it as income  
22 the same way as I declare all my income, sir.

23 Q. In the way you have described?

24 A. Previously, yes.

25 MR. WILSON: Q. This so-called wage  
26 was quite apart from the twenty-five per cent  
27 or whatever it was that you had by way of  
28 an interest in the operation; that came off  
29 the top?

30 A. Well, I don't know whether Blair



it would fluctuate. It would be \$15 each time

that there was a gain.

That is the language you used.

A. Yes, I would say as a wage.

Q. As a wage?

A. Yes, sir.

Q. For being married?

A. For being a partner.

Q. Where did you declare that in

your income tax return?

A. I don't know.

Q. Where did you declare that in

your income tax return?

A. Well, that would be all in my

gross income tax, sir. That would be money --

it was all figured in together.

Q. The income tax form specifies

income by way of salary or wages, etcetera.

You did not declare that as salary?

A. I would declare it as income

the same way as I declare all my income, sir.

Q. In the way you have described?

A. Previously, yes.

Q. Was quite apart from the twenty-five per cent

or whatever it was that you had by way of

an interest in the operation; that came off

A. Well, I don't know whether that





1 took it. Blair is the one that I did business  
2 with.

3 Q. What is Blair's first name?

4 A. Edward.

5 Q. Is he alive?

6 A. No, sir.

7 Q. I didn't think he would be.

8 THE COMMISSIONER: We have been plagued  
9 with a lot of deaths.

10 MR. WILSON: That's right; it is just a  
11 coincidence.

12 Q. The position that Ralph Clarke  
13 occupied, I think we are agreed, is that  
14 when you were not there he was to protect  
15 your interest?

16 A. Well, I don't know just what you  
17 mean.

18 Q. Well, he was there to look after  
19 and make sure everything was going properly,  
20 wasn't he?

21 THE COMMISSIONER: Q. To see that you  
22 got your percentage?

23 A. Well, he would keep a sharp eye,  
24 I suppose you might say.

25 Q. Well, that was one of his functions;  
26 you told me that before, that when you weren't  
27 there either Blair or Clarke was there to  
28 look after your interest?

29 A. Yes, that would be so.

30 Q. And your interest was to get your



Q. Now, I want to ask you a few more questions.

A. Yes, sir.

Q. What is your first name?

A. John.

Q. Is he alive?

A. Yes, sir.

Q. I didn't know he would be.

THE COMMISSIONER: We have been played

with a lot of deception.

MR. WILSON: That's right; it is just a

concoction.

Q. The position that Ralph Glavin

occupied, I think we are agreed, is that

when you were not there he was to protect

your interests?

A. Well, I don't know just what you

mean.

Q. Well, he was there to look after

the interests of the Government?

He wasn't?

THE COMMISSIONER: Q. To see that you

are not deceived?

A. Well, he would keep a sharp eye,

I suppose you might say.

Q. Well, that was one of his functions?

You told me that before, that when you weren't

there either Blair or Glavin was there to

look after your interests?

A. Yes, that would be so.

Q. And your interest was to get your



1 percentage?

2 A. (No audible answer.)

3 MR. WILSON: Q. Now, out of this ---

4 THE COMMISSIONER: Q. Just a moment.

5 That's right, isn't it?

6 A. To get my percentage?

7 Q. Yes.

8 A. What do you mean by that?

9 Q. What do you think I mean?

10 A. I have no idea.

11 Q. Well, you were to get a percentage  
12 from the operation of the game?

13 A. Whatever I put my money up for,  
14 yes, sir.

15 Q. Quite so. So that Clarke or Blair  
16 were there to see that your percentage was  
17 calculated correctly and set aside for you?

18 A. Yes; you could say that, sir.

19 Q. That was quite apart from the  
20 salary arrangement that you were telling me  
21 about?

22 A. Yes.

23 Q. So whether you were there or not  
24 you got your percentage and on top of that  
25 you got this salary?

26 A. Yes, sir.

27 Q. I don't know what the salary  
28 was for. What were you doing for the  
29 salary?

30 A. As I have explained, sir, whoever





A. (No visible answer)

MR. WILSON: Q. Now, out of this --

THE COMMISSIONER: Q. Just a moment.

What's going on, isn't it?

A. To get my percentage?

Q. Yes.

A. What do you mean by that?

Q. What do you think I mean?

A. I don't know.

Q. Well, you were to get a percentage

from the operation of the game?

A. I don't know.

Yes, sir.

Q. Quite so. So that Clarke or Blair

wherever to see that your percentage was

calculated correctly and not made for you

A. Yes; you could say that, sir.

Q. That was quite apart from the

salary arrangement that you were telling me

about?

A. Yes.

Q. So whether you were there or not

you got your percentage and on top of that

you got this salary?

A. Yes, sir.

Q. I don't know what the salary

was for. What were you doing for the

salary?

A. As I have explained, sir, whether



1 was there apparently, they were taking a pay or  
2 a salary or a wage or something for their  
3 efforts.

4 Q. Off the top?

5 A. I would think so, yes.

6 Q. And after all these pays or  
7 salaries or wages or whatever you want to  
8 call them were removed from the take, what  
9 was left was divided percentage-wise among  
10 the group?

11 A. That would be correct.

12 MR. WILSON: Q. Did you pay Gebirtig  
13 out of this so-called wage?

14 A. I don't recall that, sir. I  
15 couldn't -- it seems to me that if there  
16 was any pay to Mr. Gebirtig, possibly Mr.  
17 Blair might have taken care of that.

18 THE COMMISSIONER: Q. Speak up. Just  
19 repeat that so everybody can hear you.

20 A. I say I don't recall paying  
21 Mr. Gebirtig any money. Possibly Blair  
22 might have taken care of that.

23 Q. Taken care of what?

24 A. This money that Mr. Wilson is  
25 referring to that supposedly was supposed  
26 to go to Mr. Gebirtig.

27 Q. Well, do you pledge your oath  
28 that you did not pay any money to Gebirtig?

29 A. I cannot swear that I paid  
30 Mr. Gebirtig any money.



was there apparently, they were taking a pay on  
a salary or a wage or something for their  
efforts.

Q. Off the top?

A. I don't know.

Q. And after all these years on  
salaries or wages or whatever you want to  
call them, they were divided among the group  
was left was divided percentage-wise among  
the group?

A. I don't know.

Q. MR. WILSON: Did you pay Gehrig?

A. I don't know.

Q. I don't know.

couldn't -- it seems to me that if there

was any pay to Mr. Gehrig, possibly Mr.

Blair might have taken care of that.

THE COMMISSIONER: Q. Speak up, that

report that no everybody can hear you.

A. I say I don't recall paying

Mr. Gehrig any money. Possibly Blair

might have taken care of that.

A. I don't know.

A. This money that Mr. Wilson is

referring to that supposedly was supposed

to go to Mr. Gehrig.

Q. Well, he was paid money.

that you did not pay any money to Gehrig?

A. I cannot swear that I paid

Mr. Gehrig any money.





1 Q. Will you deny that you did under  
2 oath?

3 A. I don't recall paying him any  
4 money, sir.

5 Q. Well, just a moment. If other  
6 people say that you did you are not in a  
7 position to refute it?

8 A. I don't recall it, sir. I couldn't  
9 swear one way or the other, sir.

10 Q. Well, all right.

11 MR. WILSON: Q. If Dominic Simone says  
12 that McDermott and yourself received about  
13 \$50,000 as your share of the operation for  
14 the period you were interested in it, would  
15 you say he was wrong?

16 A. I couldn't say he was wrong and  
17 I couldn't say he was right, because I would  
18 have no way of knowing ---

19 Q. Well, would you deny it?

20 A. --- whether I did or not because  
21 when there was money taken down or put up  
22 I never kept books and I wouldn't know  
23 whether I was a winner or a loser to that  
24 particular percentage of mine at this date.  
25 I couldn't swear one way or the other, sir.

26 Q. I suppose you had so many  
27 operations going that whether you made \$50,000  
28 in fifteen months would be a matter you could  
29 not remember?

30 A. Well, apparently -- that is not



Q. Will you deny that you did under

A. I don't recall paying him any

money, sir.

Q. Well, just a moment, if I might

people say that you did you are not in a

position to recall it

A. I don't recall it, sir. I don't

swear one way or the other, sir.

Q. Well, all right.

Q. Now, sir, if I might ask you

the interest and possibly involved

\$50,000 as your share of the operation for

the period you were interested in it, would

you say that was correct?

A. I couldn't say he was wrong and

I couldn't say he was right, because I would

have to say he was right.

Q. Well, would you deny it?

A. --- whether I did or not because

when there was money taken down or put up

I never kept books and I wouldn't know

whether I was a winner or a loser to that

particular percentage of mine at this date.

I couldn't swear one way or the other, sir.

Q. I suppose you had no way

operations going that whether you made \$50,000

in fifteen months would be a matter you could

not remember?

A. Well, apparently -- that is not





D/3 1 the question at all, Mr. Wilson; I didn't keep  
2 books of what I done here, and at the end of  
3 the year if I had a "won" here I might have  
4 a "loss" there. That is the way it is in  
5 the gambling game. You may win to-day and  
6 lose to-morrow. So that at the end of the  
7 year, whatever you have, that is what you  
8 have done through gambling to the end of  
9 the year.

10 Q. Well, I am talking at the moment  
11 just about this particular club which operated,  
12 I am informed, for about fifteen months, and  
13 I am asking you whether you are prepared  
14 to deny Dominic Simone's statement that  
15 in that period you and McDermott took  
16 out \$50,000?

17 MR. ROSE: Mr. Commissioner, I think it  
18 is only fair that my friend should point  
19 out to the witness that Dominic Simone has  
20 not made any such statement. There is no  
21 evidence of that before this Commission.  
22 My friend is making categorical statements  
23 that Dominic Simone said it.

24 THE COMMISSIONER: He said, "If he said  
25 that would you deny it?"

26 MR. ROSE: I thought he made it categorical,  
27 Mr. Commissioner, that he did say it.

28 MR. WILSON: I said, "If he said it . . . ."

29 THE COMMISSIONER: Well, we understand  
30 that now. The question is that, if he says





the question as to whether I didn't have  
 books or what I done here, and at the end of  
 the year if I had a "won" here I might have  
 a "loss" there. That is the way it is in  
 the gambling game. You can win or lose  
 here to-morrow. So that at the end of the  
 year, whatever you have, that is what you  
 have. That is the way it is in the  
 the year.

Q. Well, I am talking at the moment  
 just about this particular club which operated,  
 I am informed, for about fifteen months, and  
 I am asking you whether you can remember  
 to any extent the amount of money that  
 in that period you and McDermott took  
 out \$50,000?

MR. ROSS: Mr. Commissioner, I think it

is only fair that my friend should point  
 out to the witness that Dominic Simon has  
 not made any such statement. There is no  
 evidence of that before this Commission.  
 My friend is making categorical statement  
 that Dominic Simon said it.

THE COMMISSIONER: He said, "He said

that he said it."

MR. ROSS: I thought he made it categorical.  
 Mr. Commissioner, that he did say it.

MR. WILSON: I said, "If he said it . . ."

THE COMMISSIONER: Well, we understand  
 that now. The question is this, if he says



1 that, will you deny it?

2 MR. ROSE: Mr. Commissioner, don't you  
3 think that is a rather unfair question?

4 THE COMMISSIONER: No.

5 MR. ROSE: To ask the witness if Mr. X  
6 or Mr. B or Mr. A says this, will you deny it?  
7 I think the proper thing is to have Mr. X  
8 or Mr. B or Mr. A say it and then give him  
9 an opportunity to deny it.

10 THE COMMISSIONER: All right; I have  
11 heard you.

12 MR. ROSE: It is merely a hypothetical  
13 question he is putting to him.

14 THE COMMISSIONER: Proceed.

15 THE WITNESS: I have just lost you for a  
16 moment, Mr. Wilson.

17 MR. WILSON: Q. Well, you can find me  
18 now. We are back to the \$50,000. Do you  
19 want to say any more about it?

20 A. I don't think I ever made that  
21 kind of money. I couldn't swear I did or  
22 I couldn't swear I didn't, sir.

23 Q. Well, that is just about what  
24 you said before. Now, was that operation  
25 as profitable in that period, and we are  
26 talking about 1952 and 1953, as the Alpha  
27 Club?

28 A. I would have no way of knowing  
29 that, sir.

30 Q. Was the Alpha Club a bigger



that, will you deny it?

MR. ROSE: Mr. Commissioner, don't you

think that is a rather unfair question?

THE COMMISSIONER: Yes.

MR. ROSE: To ask the witness if Mr. X

or Mr. B or Mr. A says that, will you deny it?

I think the proper thing is to have Mr. X

or Mr. B or Mr. A say it and then give him

an opportunity to deny it.

THE COMMISSIONER: All right; I have

heard you.

MR. ROSE: Is it really a question of

denial or is it going to be

THE COMMISSIONER: Yes.

THE WITNESS: I have just told you for a

moment, Mr. Commissioner.

MR. WISDOM: O. Well, you can find me

now. We are back to the \$50,000. Do you

want to say any more about it?

A. I don't think I ever made that

kind of money. I couldn't swear I did or

I wouldn't swear I didn't.

Q. Well, that is just about what

you said before. Now, was that operation

as profitable in that period, and we are

talking about 1932 and 1933, on the Alpha

plan?

A. I would have no way of knowing

that, etc.

Q. Was the Alpha Club a different





1 operation than the Riverdale?

2 A. Well, something sticks in my mind  
3 to make a sort of comparison, as you might  
4 say. I believe I recall the night that the  
5 place was arrested; I think there was  
6 somewhere -- and it is purely guesswork --  
7 there was somewhere between 80 and 100 men  
8 there, and I don't ever recall that many  
9 people being at the club in Cooksville.

10 THE COMMISSIONER: Q. Then the Riverdale  
11 Club would be a bigger operation?

12 MR. WILSON: Q. At that time?

13 A. Using that as the yardstick,  
14 yes, sir.

15 Q. At that particular time?

16 A. Well, I was using as the comparison.  
17 I don't ever recall there being 100 people  
18 at the Cooksville Club, sir, at one time.

19 Q. After the raid and conviction  
20 of Simone, that club did not operate any  
21 more, did it?

22 A. It seems to me, I don't know  
23 whether, it seems to me that something was  
24 going on there. I don't know whether  
25 it was ---

26 Q. Well, nothing that you had any  
27 interest in?

28 A. No, sir.

29 Q. And nothing that Simone had any  
30 interest in because he went to jail?



operation from the beginning?

A. Well, I don't know.

to make a sort of comparison, as you might

say. I believe I recall the night that the

place was arrested; I think there was

somebody -- and it is purely guesswork --

there was somewhere between 80 and 100 men

there, and I don't ever recall that

people being at the club in Coosville.

THE COMMISSIONER: Q. Then the Riverside

Club would be a bigger operation?

THE COMMISSIONER: A. Yes, sir.

A. Using that as the yardstick,

yes, sir.

Q. It was a bigger club?

A. Well, I was using as the comparison.

I don't ever recall there being 100 people

at the Coosville Club, sir, at one time.

Q. After the raid and conviction

of Stone, that club did not operate any

more, did it?

A. It seems to me, I don't know

any more, I don't know whether it

was on there. I don't know whether

it was --

Q. Well, nothing that you had any

information?

A. No, sir.

Q. And nothing that Stone had any

interest in because he went to jail?





1 A. Yes, I believe he went to jail.

2 Q. And after he got out of jail he  
3 made a claim on you for the return of certain  
4 moneys?

5 A. Yes, sir.

6 Q. Some six or seven thousand dollars?

7 A. Something in that neighbourhood.

8 THE COMMISSIONER: Q. Just a moment.

9 (Pause). By making a claim on you, I suppose  
10 you mean you and McDermott?

11 A. Yes, sir.

12 Q. How much?

13 A. Mr. Wilson suggested it, Mr.  
14 Commissioner.

15 Q. I am asking you how much he  
16 claimed?

17 A. I would think it would be in that  
18 neighbourhood, sir. I would only be guessing.

19 Q. All right.

20 MR. WILSON: Q. Why did he make a  
21 demand on you for the return of \$6,000 or  
22 \$7,000?

23 A. Well, as I recall, and I don't  
24 recall any specific dates, but he told me on  
25 one occasion that I can think of that I was  
26 getting or Blair told him that I was getting  
27 \$500 a month protection money, and this is  
28 the money he said he was claiming because  
29 his club has got arrested.

30 Q. So when the raid was made and they





Q. Now, I believe he was in jail.

A. And after he got out of jail he

made a claim on you for the return of certain

money?

A. Yes, sir.

Q. Some six or seven thousand dollars?

A. Something in that neighborhood.

Q. Now, by making a claim on you, I suppose

you were saying that he was claiming that

A. Yes, sir.

Q. Is that right?

A. Yes, sir.

Commissioner.

Q. I am asking you how much he

claimed?

A. I would think it would be in that

neighborhood, sir. I would only be guessing.

Q. All right.

MR. WILSON: Q. Why did he make a

demand on you for the return of \$5,000 or

\$7,000?

A. Well, as I recall, and I don't

recall any specific date, but he told me on

one occasion that I can think of that I was

getting or Blair told him that I was getting

\$500 a month protection money, and that in

the money he said he was claiming because

his club has got arrested.

Q. So when the raid was made and they



1 had no tip-off and somebody left the door open, he  
2 was pretty annoyed, wasn't he?

3 A. I would think he was concerned  
4 about getting arrested, yes.

5 Q. He was concerned about who left  
6 the door open?

7 A. That could be, sir.

8 Q. He wanted to get this money back  
9 that he said he had paid to you as protection  
10 because you didn't give him any protection?

11 A. That may have been his idea.  
12 Blair told him he was taking the \$500 a month  
13 off for protection. I never ever told him  
14 that.

15 Q. So, when that club was put out  
16 of business you didn't have any real competition  
17 in the Toronto area for your Centre Road club,  
18 did you?

19 A. Well, I don't quite agree with you  
20 there at all, Mr. Wilson.

21 Q. Well, can you name me any establish-  
22 ment of the size of the Riverdale or the Centre  
23 Road or the Alpha, as it then was, that was  
24 operating in the Toronto area at a fixed  
25 base at that time?

26 A. Well, I wouldn't have to just  
27 know them all but I would be of the opinion  
28 that there were a lot of crap games around  
29 Toronto, so that I couldn't agree with you  
30 on that at all, sir.



and no tip-off and somebody left the door open, he

A. I would think he was concerned

Q. He was concerned about who left

Q. He wanted to get this money back

that he said he had paid to you as protection

because you didn't give him any protection?

A. That may have been his idea.

What told him he was getting the \$500 a month

off for protection. I never ever told him

Q. So, when that club was put out

of business you didn't have any real competition

in the Toronto area for your Gent's Road club,

A. Well, I don't drive around with you

Q. Well, are you aware of any assembly-

ment of the kind of the Riverdale or the Centre

Road or the Alpha, as it then was, that was

operating in the Toronto area at a time

near at that time?

A. Well, I don't know.

know them all but I would be of the opinion

that there were a lot of crap games around

Toronto, so that I couldn't agree with you

on that at all, sir.





1 Q. Well, you, I would take it, would  
2 be about as well informed on gambling activities  
3 in the area as anybody else?

4 A. I would think so.

5 THE COMMISSIONER: Q. Perhaps better than  
6 anybody else?

7 A. Possibly.

8 MR. WILSON: Q. Can you name any other  
9 operation of any size that was operating at  
10 that time?

11 A. Specifically no, but I have told  
12 you, Mr. Wilson, that there was always floating  
13 crap games and crap games around Toronto. I  
14 don't know of any specifically.

15 Q. When we get along to 1954 we  
16 have the Army, Navy and Air Force ---

17 THE COMMISSIONER: Well, have you  
18 completed your examination with respect to  
19 the demand Simone was making?

20 MR. WILSON: For the moment, Mr.  
21 Commissioner. Well, there is one further  
22 point possibly I should go into.

23 Q. After he got out of jail Simone  
24 did make demands on you for this money,  
25 didn't he?

26 A. I had discussions with him.

27 Q. You never paid any money back?

28 A. Any of which money, sir?

29 Q. Well, you didn't give him any  
30 money as a result of his claim?



money as a result of his claim

Q. Well, you didn't give him any

A. Any of which money, sir?

Q. You never paid any money back?

A. I had discussions with him.

did make demands on you for this money,

Q. After he got out of jail Simon

point possibly I should go into.

Commissioner. Well, there is one further

MR. WILSON: For the moment, Mr.

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THE COMMISSIONER: Well, have you

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Q. When we got along to 1954 we

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orap games and crap games around Toronto. I

you, Mr. Wilson, that there was always floating

A. Specifically no, but I have told

this time

operation of any size that was operating as

MR. WILSON: Q. Can you name any other

A. I think.

subject only

THE COMMISSIONER: Q. Perhaps better than

A. I would think so.

in the area as anybody else?

be spent as well informed on gambling activities

Q. Well, sir, I would like to say





1 A. I lent Simone money on various  
2 occasions.

3 THE COMMISSIONER: Q. After he got out  
4 of jail?

5 A. Yes, sir.

6 Q. Well, that is what we want to  
7 find out.

8 MR. WILSON: Q. How much did you lend him?

9 A. I couldn't pinpoint it, sir; I  
10 have no idea.

11 Q. Well, do you know what amount?

12 A. No. I would only be guessing, sir.

13 THE COMMISSIONER: Q. You loaned him  
14 money, did you say?

15 A. Yes, sir.

16 MR. WILSON: Q. How much?

17 A. I would only be guessing, Mr.  
18 Wilson; it is so long ago that I couldn't  
19 recall any figures.

20 Q. Well, was it after he came out  
21 of jail?

22 A. Yes, sir.

23 Q. How much? You have no idea?

24 A. No. It would just be picking a  
25 figure out of the air. I wouldn't have any  
26 idea at all.

27 THE COMMISSIONER: Q. Well, was it a  
28 large sum or just pennies?

29 A. I would say it was in the hundreds.

30 Q. On how many occasions?





A. I lent him money on various

occasions.

THE COMMISSIONER: Q. After he got out

of jail

A. Yes, sir.

Q. Well, that is what we want to

find out.

THE COMMISSIONER: Q. Now, did you

A. I couldn't pinpoint it, sir; I

have no idea.

Q. Well, do you know what amount?

A. No, I would only be guessing, sir.

THE COMMISSIONER: Q. Did you

money, did you say?

A. Yes, sir.

THE COMMISSIONER: Q. Now, did

A. I would only be guessing, sir.

Witness: It is so long ago that I couldn't

recall the figure.

Q. Well, was it after he came out

of jail?

A. Yes, sir.

Q. Now, did you have any

A. No, sir, I would not have any

figure out of the air. I wouldn't have any

idea at all.

THE COMMISSIONER: Q. Well, was it a

large sum or just pennies?

A. I would say it was in the hundreds.

Q. On how many occasions?



1 A. Well, I am only guessing. I couldn't  
2 swear to what it was. Maybe two or three  
3 occasions.

4 Q. Would that be \$200 or \$300?

5 A. It may have been, sir.

6 Q. Well, I want you to tell me how  
7 much it was?

8 A. Well, you wouldn't want me to  
9 tell you what I don't know myself. I don't  
10 remember, sir.

11 Q. You may not remember to a dollar ---

12 A. I don't remember within ---

13 Q. Would it be as high as \$2500?

14 A. I wouldn't think so, sir.

15 Q. Would it be as high as \$2000 altogether?

16 A. I wouldn't think so, sir.

17 Q. Then how high do you think it was?

18 A. Well, I cannot swear to it. It  
19 may have been in the neighbourhood of \$1000  
20 or \$1500, but that is just a random guess, sir.  
21 I would have no way of recalling that.

22 Q. Then we have it that he was  
23 demanding \$6000 or \$7000 and you loaned  
24 him \$1000 or maybe \$1500 at the time he was  
25 making these demands; is that what you are  
26 saying?

27 A. No, I didn't say that, sir.

28 Q. Well, I am asking you?

29 A. No, I don't know whether it would  
30 be at that time or not. When he came out



A. Well, I am only guessing. I couldn't

answer to what it was. Maybe two or three

occasions.

Q. Would that be \$200 or \$300?

A. It may have been, sir.

Q. Well, I want you to tell me how

well it was?

A. Well, you wouldn't want me to

tell you what I don't know myself. I don't

remember, sir.

Q. You may not remember to a dollar --

A. I don't remember, sir.

Q. Would it be as high as \$200?

A. I wouldn't think so, sir.

Q. Would it be as high as \$200 or \$300?

A. I wouldn't think so, sir.

Q. Then how high do you think it was?

A. Well, I cannot answer to it. It

may have been in the neighborhood of \$100

or \$150, but that is just a random guess, sir.

I would have no way of recalling that.

Q. Then we have it that he was

demanding \$200 or \$300 and you loaned

him \$100 or \$150 at the time he was

making these demands; is that what you are

saying?

A. No, I didn't say that, sir.

Q. Well, I am asking you

A. No, I don't know whether it would

be at that time or not. When he came out





1 of jail.

2 Q. Was there a time when he ceased  
3 his demands?

4 A. Well, that is very difficult  
5 for me to say.

6 Q. No, that cannot be difficult.

7 A. I never considered it as a demand.  
8 The only time I talked with Simone was  
9 discussion. I think Mr. Wilson said "demands".  
10 I didn't say anything about any demands.

11 Q. Well, let us choose our words  
12 then. He claimed the \$6,000 or \$7,000 and  
13 wanted you to pay it. Does that satisfy  
14 you?

15 A. No, that doesn't.

16 Q. Well, did he claim \$6,000 or \$7,000?

17 A. We had discussions.

18 Q. And during the discussions did  
19 he claim that you should repay him \$6,000  
20 or \$7,000? Before you answer that, pause  
21 and reflect.

22 A. I would say that we discussed  
23 those amounts of money or somewhere in that  
24 neighbourhood, yes, sir.

25 Q. Was he claiming that you ought  
26 to pay back that amount?

27 A. He told me that Blair told him ---

28 Q. Please; during the discussions  
29 was that the subject matter of the discussions,  
30 that he was claiming you ought to pay him



of this.

The first of these was...

his demand?

A. Well, that is very difficult

for me to say.

Q. No, that cannot be difficult.

A. I never considered it as a demand.

The only time I talked with Stone was

discussion. I think Mr. Wilson said "demand".

I didn't say anything about any demand.

Q. Well, let us choose our words

then. He claimed the \$5,000 or \$7,000 and

wanted you to pay it. Does that satisfy

you?

A. Yes, that is all right.

Q. Well, did he claim \$5,000 or \$7,000?

A. We had discussions.

Q. And during the discussions did

he claim that you should repay him \$5,000

or \$7,000? Before you answer that, please

be careful.

A. I would say that we discussed

these amounts of money or somewhere in that

neighborhood, yes, sir.

Q. Was he claiming that you ought

to pay back that amount?

A. He told me that Blatz told him ---

Q. Please; during the discussions

was that the subject matter of the discussions,

that he was claiming you ought to pay him





1 back \$6,000 or \$7,000?

2 A. I couldn't swear to that, sir.

3 We ---

4 Q. Do you deny it?

5 A. We discussed a figure in around  
6 that neighbourhood.

7 Q. That you ought to pay him?

8 A. That he wanted to get from some-  
9 where, yes.

10 Q. No; that you ought to pay him,  
11 not that he ought to get it from somewhere,  
12 but he ought to get it from you?

13 A. Well, I don't just recall whether ---

14 Q. Well, now ---

15 A. --- whether he said he ought to  
16 get it from me.

17 Q. Well, he was having the discussions  
18 with you and he was claiming \$6,000 or \$7,000?

19 A. He may have said that. I couldn't  
20 swear to that at all, sir.

21 Q. All right. Was it while he was  
22 making these claims on you that you loaned  
23 him up to \$1500?

24 A. No. I think what I have said,  
25 Mr. Commissioner, was that after he came out  
26 of the jail he got some money off me on  
27 two or three occasions.

28 Q. By way of a loan?

29 A. Yes, sir. But I don't know when  
30 that was.





Q. Now, did you say that?

A. I couldn't swear to that, sir.

Q. --

Q. Do you deny it?

A. We discussed a figure in general.

Q. --

Q. That you ought to pay him?

A. That he wanted to get from some-

where, yes.

Q. Not that you ought to pay him,

but that he ought to get it from somewhere?

A. But he ought to get it from you?

A. Well, I don't just recall whether --

Q. Well, now --

A. -- whether he said he ought to

get it from me.

Q. Well, he was having the discussion

with you and he was claiming \$5,000 or \$7,000?

A. He may have said that. I couldn't

swear to that at all, sir.

Q. All right. Was it while he was

making these claims on you that you loaned

him up to \$1500?

A. No. I think what I have said,

Mr. Commissioner, was that when he came out

of the jail he got some money off me on

Q. --

Q. By way of a loan?

A. Yes, sir. But I don't know what

that was.



1 Q. Well, perhaps we can help you.  
2 There came a time when he ceased making the  
3 demands to you, ceased claiming, if you  
4 want to put it in your words?

5 A. I haven't seen Simone for years  
6 so you may put it your way, sir.

7  
8 (Page 9965 follows)

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30



Q. Well, perhaps we can help you.

There came a time when he ceased making the

demands to you, ceased claiming, if you

want to put it in your words?

A. I haven't seen Blaine for years.

so you may put it your way, etc.

(Name says follows)





E/1/FP

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THE COMMISSIONER: Well, did you ever discuss this matter with Papalia?

A. Papalia?

Q. Paps Papalia?

A. Well, I don't know who you are referring to.

Q. Don't you know Papalia?

A. I know two or three Papalias.

Q. What is the name of the man who is now down in New York?

MR. WILSON: John.

THE COMMISSIONER: John, is it? Do you know John Papalia?

A. Yes, sir.

Q. Did you discuss this matter with him?

A. Never, sir.

Q. Never?

A. Never.

Q. Do you swear to that?

A. I swear to that.

MR. WILSON: Maybe the witness had McDermott discuss it.

THE WITNESS: Pardon, sir?

MR. WILSON: Q. Did you have your partner McDermott discuss it with Papalia or anybody else?

A. No, I never had McDermott discuss it with Papalia.

Q. Did you or McDermott have any of



Q. THIS COMMISSIONER, WELL, DID YOU EVER

REMEMBER HIM WITH ANY OTHER

A. RESEMBLE?

Q. RESEMBLE?

A. WELL, I DON'T KNOW WHO YOU ARE

REFERRING TO.

Q. DON'T YOU KNOW RESEMBLE?

A. I KNOW TWO OR THREE RESEMBLE.

Q. WHAT IS THE NAME OF THE MAN WHO

IS NOW DOWN IN NEW YORK

MR. WILSON: JOHN.

THE COMMISSIONER: JOHN, IS IT? DO

YOU KNOW JOHN RESEMBLE?

A. YES, SIR.

Q. DID YOU REMEMBER HIM WITH ANY

ANY

A. NEVER, SIR.

Q. NEVER?

A. NEVER.

Q. DO YOU SWEAR TO THAT?

A. I SWEAR TO THAT.

MR. WILSON: MAYBE THE ALIENS HAD

RESEMBLED HIM.

THE WITNESS: PARDON, SIR?

MR. WILSON: Q. DID YOU HAVE YOUR

PARTNER RESEMBLED DISCUSS IT WITH RESEMBLE OR

ANYBODY ELSE?

A. NO, I NEVER HAD RESEMBLED DISCUSS

IT WITH RESEMBLE.

Q. DID YOU OR RESEMBLED HAVE ANY OF



1 your friends such as Papalia go to Simone  
2 and say, "You had better lay off the man"?

3 A. No, I never did.

4 Q. Have you any knowledge as to whether  
5 McDermott did or did not?

6 A. I wouldn't think he would but  
7 I couldn't swear. I wouldn't think for one  
8 moment that he would, sir.

9 Q. Were any of these loans ever  
10 repaid that you say you made to Simone?

11 A. Not to my knowledge, sir.  
12 I don't recall.

13 Q. Have you ever asked him to repay  
14 a loan?

15 A. I don't believe I did, sir.

16 Q. And after the loans were made  
17 he still persisted in making demands on you  
18 for the return of moneys?

19 A. Well, there again, Mr. Wilson, I  
20 had a few discussions. I don't know when it  
21 was or ---

22 MR. WILSON: Well, Mr. Commissioner,  
23 unless there is something further you want  
24 on that point, I will turn to 1954.

25 Q. In May of 1954 we find that at  
26 Cooksville in the Centre Road, the charter of  
27 Unit 234 replaced an Alpha Club charter as  
28 far as the operations were concerned. That  
29 would be May, 1954. Then in September of  
30 1954 the unit number was changed from 234 to



1954 the unit number was changed from 234 to

would be 234, 1954. Then in December of

far as the operations were concerned. That

that 234 replaced an Alpha Club charter as

Gooseville in the Centre Road, the charter of

Q. In May of 1954 we find that as

on that point, I will turn to 1954.

unless there is something further you want

Mr. Wilson, will you please state

was on --

had a few discussions. I don't know when it

A. Well, there again, Mr. Wilson, I

for the return of money?

he still persisted in making demands on you

Q. And after the loans were made

A. I don't believe I did, sir.

a loan?

Q. Have you ever asked him to repay

I don't recall.

A. Not to my knowledge, sir.

repaid that you say you made to him?

Q. Were any of these loans ever

moment that he would, sir.

I couldn't swear. I wouldn't think for one

A. I wouldn't think he would pay

MEMORANDUM FOR THE FILE

Q. Have you any knowledge as to whether

A. No, I never did.

and say, "You had better lay off the man?"

Your friends such as Perkins go to him



1 326. So I take it, witness, that you simply  
2 carried on under the new charters with your  
3 operations at ---

4 THE COMMISSIONER: "Under" is not the  
5 right word, I suggest. "Behind" is a better  
6 word.

7 MR. WILSON: I think Mr. Commissioner is  
8 quite right.

9 Q. Do you agree with the Commissioner?

10 THE COMMISSIONER: You must, witness,  
11 because you have told us that the protection  
12 you needed was a charter and good, strong doors.

13 A. That is right.

14 Q. Yes, it was not the club that  
15 was carrying on these operations; it was  
16 certain individuals. You told me that too.

17 MR. WILSON: Q. The officers of the club  
18 as distinct from the partners in the gambling  
19 operation, were Lincoln Turner, Joseph Pleschuk  
20 and Thomas McKay.

21 THE COMMISSIONER: When was this?

22 MR. WILSON: This would be in the period  
23 from 1954 through to 1957.

24 THE COMMISSIONER: This is after September,  
25 1954?

26 MR. WILSON: Yes.

27 THE COMMISSIONER: Give me those names  
28 again.

29 MR. WILSON: Lincoln Turner, Joseph  
30 Pleschuk and Thomas McKay. That appears, Mr.



... I am not sure if it is the same  
 ... operations at ...

THE COMMISSIONER: "Under" is not the  
 right word, I suggest, "behind" is a better  
 word.

MR. WILSON: I think Mr. Commissioner is

quite right.

Q. Do you agree with the Commissioner?

THE COMMISSIONER: You must, witness,

because you have told us that the protection  
 you needed was a charter and good, strong doors.

A. Yes, it is right.

Q. Yes, it was not the club that

was sitting on those shoulders is it?

THE COMMISSIONER: Yes, it is that.

MR. WILSON: Q. The officers of the club

as distinct from the partners in the gambling

business, were these the same, James Flannery

and these others?

THE COMMISSIONER: When was this?

MR. WILSON: This would be in the period

from 1914 to 1917.

THE COMMISSIONER: This is after 1917?

1924?

MR. WILSON: Yes.

THE COMMISSIONER: Give me those names

again.

MR. WILSON: James Flannery, Thomas

Flannery and these others. That is correct, is it?





1 Commissioner, in Exhibit 57.

2 Q. I take it that Turner and Pleschuk  
3 and McKay were nominees of a group of you  
4 who were operating the gambling at the premises?

5 A. Yes, they were the directors of  
6 the club.

7 Q. Well, they were your nominees.  
8 I mean, they were figureheads, isn't that what  
9 it amounts to?

10 A. Well, they would be - we would  
11 have a meeting there and they would be elected  
12 and they would become directors of the club,  
13 yes.

14 THE COMMISSIONER: I don't understand  
15 that either. "We would have a meeting". Who  
16 is "we"?

17 A. Well, the group of men that  
18 would be on the premises.

19 Q. I see, and you select from among  
20 your number some people who would be the  
21 directors of the club?

22 A. That is right.

23 THE COMMISSIONER: I see.

24 MR. WILSON: We have had other evidence  
25 about Herman writing letters complaining about  
26 police action, and he says he did that on  
27 instructions of McDermott and yourself, and  
28 that would be correct?

29 A. Yes, we -- I have been in to  
30 see Mr. Herman and reported on police activities



and McKay were nominees of a group of you  
 was representing the gambling at the premises?  
 A. Yes, they were the directors of  
 the club.  
 Q. Well, they were your nominees.  
 I don't know who they were, but they were  
 the nominees of  
 A. Well, they would be - we would  
 have a meeting and they would be elected  
 and they would become directors of the club,  
 yes.  
 THE COMMISSIONER: I don't understand  
 your answer. You would have a meeting, and  
 they would be  
 A. Well, the group of men that  
 would be on the premises.  
 Q. I see, and you select from among  
 your number some people who would be the  
 directors of the club?  
 A. That is right.  
 THE COMMISSIONER: I see.  
 MR. WILSON: We have had other evidence  
 about Herman writing letters complaining about  
 police action, and he says he did that on  
 instructions of McBerrett and yourself, and  
 that would be correct?  
 A. Yes, we -- I have been in to  
 see Mr. Herman and reported on police activities





1 at Cooksville.

2 Q. And any alterations that were done  
3 on the club premises, those were not paid for  
4 by the club but were paid for by McDermott  
5 and yourself? And the group who were involved  
6 in the gambling operation?

7 A. Alterations were usually -- I  
8 don't know what you are defining and I cannot  
9 agree with you until I do, Mr. Wilson - but  
10 usually any alterations were made by the owner  
11 of the building.

12 Q. For instance, when the alterations  
13 were made in 1957, Herman employed A.G. Keith  
14 of Maragison and Associates to plan the  
15 alterations. Do you say that that was paid  
16 for by the owner, or was it paid for by your  
17 group?

18 A. I would think - I would only  
19 be guessing, Mr. Wilson - I would think that -  
20 no, I wouldn't think it was paid by the owner.

21 Q. No, I wouldn't, either.

22 THE COMMISSIONER: Then it was paid by  
23 your group then, is that right?

24 A. Possibly.

25 Q. No strangers came in and paid it?

26 A. No, I wouldn't think so.

27 THE COMMISSIONER: I would agree with  
28 that.

29 MR. WILSON: Q. Then there was quite  
30 an expenditure for an air-conditioner out there.





at Chicago.

Q. And any alterations that were done on the cigarettes, those were not paid for by the club but were paid for by Hobermott and yourself? And the group who were involved in the gambling operations?

A. Alterations were usually -- I don't know what you are defining and I cannot agree with you until I do, Mr. Wilson -- but usually any alterations were made by the owner.

Q. For instance, when the alterations were made in 1937, Newman employed A.G. Keith of Herington and Associates to plan the alterations. Do you say that that was paid for by the owner, or was it paid for by your group?

A. I would think -- I would only be guessing, Mr. Wilson -- I would think that -- no, I wouldn't think it was paid by the owner.

Q. No, I wouldn't, either.

THE COMMISSIONER: Then it was paid by your group then, is that right?

A. Possibly.

Q. No strangers came in and paid for it?

A. No, I wouldn't think so.

THE COMMISSIONER: I would agree with

MR. WILSON: Q. Then there was also

an expenditure for an air-conditioner out there.



1 I take it that again would be paid for<sup>by</sup> your  
2 group?

3 A. I think so now.

4 Q. Do you want me to turn up the file?

5 THE COMMISSIONER: Speak up, I cannot  
6 hear you.

7 A. I am just thinking.

8 Q. You are thinking out aloud. All  
9 right, go ahead, think.

10 A. I can't recall. What you say it  
11 is, that could be.

12 MR. WILSON: Q. That would be for the  
13 comfort of the people who were gambling there?

14 A. I would think it would be, the  
15 comfort of their each and every one that  
16 frequented the place, yes.

17 Q. I think you have told us you  
18 carried on right until the time the club closed  
19 up, you and your group, and then you pleaded  
20 guilty on March 26th, 1962 to keeping a  
21 common gaming house on those premises?

22 A. Yes, but the only reason I done  
23 that was we were before a jury there. Yes,  
24 I pleaded guilty to that charge, sir.

25 THE COMMISSIONER: I am interested in  
26 that answer. You pleaded guilty to keeping  
27 a common gaming house, and you say the only  
28 reason you did so was what? You didn't finish  
29 the sentence.

30 A. With all the adverse publicity in



I don't think it would be fair to say

strong?

A. I think so now.

Q. So you said at the time of the trial

that the Commission was not interested

in you?

A. I am just thinking.

Q. You are thinking out aloud. All

right, go ahead, think.

A. I can't recall. What you say is

in, that could be.

MR. WILSON: Q. That would be for the

Commission and the people who were present there?

A. I would think it would be, the

content of their each and every one that

presented the place, yes.

Q. I think you have told us you

carried on right until the time the ship closed

up, you and your group, and then you pleaded

guilty on March 20th, 1962 to keeping a

common gaming house on that date?

A. Yes, that is what I said.

that was we were before a jury there. Yes,

I pleaded guilty to that charge, sir.

THE COMMISSIONER: I am interested in

that answer. You pleaded guilty to keeping

a common gaming house, and you say the only

reason you did so was what? You didn't finish

the sentence.

A. With all the adverse publicity in





1 the trials that we have been going through  
2 in the last couple of years, we did not feel  
3 that we could get a fair trial before a jury,  
4 as in one case of ours the judge directed  
5 the foreman and the jury to bring in a verdict  
6 of "not guilty" and the juryman (I believe it  
7 was the foreman) got up and suggested to the  
8 judge that he did not think they should.

9 So after that display of feeling from  
10 the jury, we felt that we could not get a fair  
11 trial on the part of the jury, on this gaming,  
12 with the adverse publicity and with this  
13 Royal Commission, and pleaded guilty to the  
14 charge.

15 Q. When you pleaded guilty, you were  
16 pleading, you were admitting what you have  
17 just now told me is the fact, that the group  
18 of you were carrying on, you among them, were  
19 carrying on a common gaming house there.  
20 You told us that ~~this~~ this morning.

21 MR. ROSE: I think, Mr. Commissioner,  
22 with respect, the witness said he was carrying  
23 on gambling there. At no time did he say he  
24 was carrying on a common gaming house.

25 THE COMMISSIONER: Oh, yes, he told us  
26 that this morning.

27 When you pleaded guilty, you were  
28 admitting to the facts that you now admit?

29 A. No.

30 Q. You were putting up the money, with



in the last couple of years, we did not feel that we could get a fair trial before a jury, as in one case of ours the judge directed the foreman and the jury to bring in a verdict of "not guilty" and the jurymen (I believe it was the foreman) got up and suggested to the judge that he did not think they should. So after that display of feeling from the jury, we felt that we could not get a fair trial on the part of the jury, on this gaming, with the evidence against me and the other boys. Royal Commission, and pleaded guilty to the

Q. When you pleaded guilty, you were pleading, you were admitting what you have just now told me is the fact, that the group of you were carrying on, you know them, were carrying on a common gaming house, that is, you told us that this morning. MR. ROYAL: I think, Mr. Commissioner, with respect, the evidence is that they were carrying on a common gaming house. At no time did he say he was carrying on a common gaming house.

THE COMMISSIONER: Oh, yes, he told us that they were carrying on a common gaming house. When you pleaded guilty, you were admitting to the facts that you now admit?

A. No. Q. You were putting up the money, when





1 these other men, carrying on banking games  
2 or ---

3 A. You said that, sir, I didn't say  
4 that.

5 Q. You said it.

6 A. No, sir. I didn't. I talked  
7 about percentages.

8 Q. Yes.

9 A. Well, we could have a crap game  
10 right here and it wouldn't be illegal.

11 MR. WILSON: Q. Did the other parties  
12 who participated with you, such as Riggs and  
13 Midgley, pay their share of the \$4,000 fine?

14 A. No, sir, I paid that myself.

15 Q. Why would they get a free ride?

16 A. I never even thought about it,  
17 sir.

18 Q. You never even thought about it.

19 THE COMMISSIONER: Well, you are not now  
20 denying that you were operating a common  
21 gaming house there, are you?

22 A. Well, what do you mean, "common  
23 gaming house"?

24 Q. How do you define it?

25 A. I cannot answer your question if  
26 I don't know your definition, sir. Mr. Kennedy  
27 at one of our trials defined it, a bank crap  
28 game, the head of the O.P.P. anti-gambling  
29 squad, as by the size of the bet that was  
30 made, so that everyone seems to have a different





these other men, carrying on banking games

OT ---

A. You said that, sir, I didn't say

that.

Q. You said it.

A. No, sir. I didn't. I talked

about betting.

Q. Yes.

A. Well, we could have a crap game

right here and it wouldn't be illegal.

MR. WILSON: Q. Did the other parties

who participated with you, such as Higgins and

Midgley, pay their share of the \$4,000 that

A. No, sir, I paid that myself.

Q. Why would they get a free ride?

A. I never even thought about it.

Q.

Q. You never even thought about it.

THE COMMISSIONER: Well, you are not now

staying out of the house, are you?

Gaming house there, are you?

A. Well, what do you mean, "common

gaming house?"

Q. How do you define it?

A. I cannot answer your question if

I don't know your definition, sir.

at one of our trials defined it, a bank game

game, the head of the U.P. anti-gambling

agreed, as by the rise of the bet that was

made, so that everyone seems to have a different



1 opinion of what a bank crap game is, and that  
2 is why I asked you what is your definition,  
3 sir.

4 Q. Well, one of my definition\_s  
5 would be where everybody is betting against  
6 the house. What do you say as to that?

7 A. That necessarily would not be a  
8 bank crap game in my opinion.

9 Q. All right. Then just take<sup>that</sup> as  
10 an illustration. Is that among the type of  
11 operations carried on there?

12 A. It may have been.

13 Q. Was it, please? You were there.

14 A. Well, anybody could bet with  
15 each other if they so desired.

16 Q. Yes, and they could all bet  
17 against the house, too?

18 A. But the O.P.P. stands ---

19 Q. Never mind the O.P.P.

20 A. Stood - we are talking about  
21 definitions, Mr. Roach. If you want me to give  
22 you my definition, I have to be guided by what  
23 the O.P.P. determined was a legal game, and  
24 the O.P.P. Sergeant Anderson and Corporal  
25 Shrubb and Mr. Tomlinson, Staff Inspector  
26 Tomlinson, said after watching the games for  
27 a month or two months, that it was not illegal  
28 if I stood at one end of the table, my  
29 partner stood at the other end of the table,  
30 and everybody around the table wanted to bet



is why I asked you what is your definition,

etc.

Q. Well, one of my definitions

would be where everybody is betting against

the house. What do you say as to that?

A. That necessarily would not be a

bank crap game in my opinion.

Q. All right. Now that is

an illustration. Is that among the type of

operations carried on there?

A. It may have been.

Q. Was it, please? You were there.

A. Well, anybody could get into

each other if they so desired.

Q. Yes, and they could all lose

against the house, too?

A. But the O.P. stands --

Q. I am sure that is true.

A. Good -- we are talking about

definitions, Mr. Roach. If you want me to give

you my definition, I have to be guided by what

the O.P. determined was a legal game, and

the O.P. Sergeant Anderson and Corporal

Anderson, who were present,

Anderson, said after watching the game for

a month or two months, that it was not illegal

if I stood at one end of the table, my

partner stood at the other end of the table,

and everybody around the table wanted to see





1 with me. I could cover as many bets as I  
2 wanted. They said that that was legal, because  
3 I asked them each and every bet I took: Was  
4 it a legal bet? They defined that as a legal  
5 bet.

6 Q. Who did?

7 A. The Ontario Provincial Police  
8 anti-gambling squad.

9 Q. Let us take another illustration,  
10 of the house getting a rake-off.

11 A. What was your definition of a  
12 "rake-off"?

13 Q. Percentage of the pot.

14 A. No, sir.

15 Q. You weren't?

16 A. If I stand at one end of the table  
17 and you - a partner stands at the other end  
18 of the table all night, and I bet even money  
19 on 6's and 8's, I can make a good living just  
20 doing that year in and year out. The O.P.P.  
21 stood there and watched it and said that  
22 that was perfectly legal.

23 Q. I see.

24 MR. WILSON: Q. How much do you figure  
25 it cost you to provide dealers and guards  
26 and so on out at the Centre Road Club within  
27 the period 1954 to 1960? What was your weekly  
28 payroll?

29 A. Well, I don't know that, sir.  
30 There was no ---



with me. I could cover as many bets as I  
wanted. They said that was legal, because  
I asked them each and every bet I took: Was  
it a legal bet? They defined that as a legal  
bet.

Q. Who did?  
A. The Ontario Provincial Police

anti-gambling squad.  
Q. Let us take another illustration  
of the house getting a take-out.

A. What was your definition of a

Q. Percentage of the pot.

A. Yes, sir.

Q. You weren't?

A. If I stand at one end of the table

and you - a partner stands at the other end  
of the table all night, and I bet even money  
on 6's and 8's, I can make a good living just  
doing that year in and year out. The O.P.P.  
stood there and watched it and said that  
was not gambling, legal.

Q. I see.

MR. WILSON: Q. How much do you like

it cost you to provide dealers and guards  
and so on out at the Casino Road Club within  
the period 1954 to 1960? What was your weekly  
payroll?

A. Well, I don't know that, sir.

There was no ---





1 Q. How much would you pay your look-  
2 outs, for instance?

3 A. Well, when you say "look-outs",  
4 sir, who are you referring to?

5 Q. Maybe you call them parking  
6 attendants.

7 A. Yes, sir.

8 Q. How much would you pay them?

9 A. Is that whom you are referring to?

10 Q. How much would you pay them?

11 A. Well, those fellows wouldn't get  
12 paid anything - there was nothing hard and  
13 fast. They worked - if I made some money I  
14 might give them \$10 or \$15, and if I had a  
15 losing night I wouldn't give them anything.

16 Q. How much would you pay the man  
17 standing behind the good door to see who was  
18 coming in?

19 A. He would get about - there again,  
20 it wouldn't be uniform. It could be \$70 a  
21 week maybe, might be \$80.

22 Q. How much would you pay your dealers  
23 a week?

24 A. There again, sir, it fluctuated.  
25 two or  
26 It might go, three nights and there would be  
27 nothing doing, and then if they got busy all  
28 of a sudden and we needed some extra men to  
29 work, why, put somebody on and give him so  
30 much at the end of the week.

Q. Well, what was the average take





Q. Well, what was the average take

man at the end of the week.

work, why, put somebody on and give him so

of a racket and we needed some extra men to

nothing doing, and then all they got busy all

it might go three nights and there would be

two or

A. There again, sir, it fluctuates.

a week?

Q. How much would you pay your men

each week, sir?

it wouldn't be uniform. It could be \$10 a

A. He would get about - there again,

seeing to

standing behind the good door to see who was

Q. How much would you pay the men

losing night I wouldn't give them anything.

might give them \$10 or \$15, and if I had a

last. They worked - if I made some money I

paid anything - there was nothing hard and

A. Well, there follows another's day

Q. How much would you pay them?

A. Is that whom you are referring to?

Q. How much would you pay them?

A. Yes, sir.

Witness.

Q. Maybe you call them parking

car, and you say they are

A. Well, when you say "look-

into, for instance?

the book would be the same



1 of the dealers in a week?

2 A. Well, I never kept any books on  
3 that, sir.

4 Q. You know what you paid your dealer;  
5 you know what you were paying them.

6 A. Sometimes they could get \$15 for  
7 a day, sometimes they might get \$20, so that ---

8 Q. Well, how many dealers did you  
9 have out at Centre Road?

10 A. Well, I worked and Midgley worked  
11 and Riggs worked.

12 Q. How many outsiders did you have  
13 apart from Midgley and yourself as dealers?

14 A. Well, there was nothing uniform,  
15 sir. There may have been two or three fellows  
16 work some nights.

17 Q. Out of the type of operation that  
18 you have described, how much did McDermott  
19 and yourself take out of there in the period  
20 from 1954 to 1960?

21 A. I don't know that, sir.

22 Q. You have no idea?

23 A. No, sir. I would have no way of  
24 knowing that.

25 Q. Would it be in the hundreds of  
26 thousands?

27 A. Would have been declared on my  
28 income tax, whatever my gambling income, but  
29 it wouldn't necessarily have to all come from  
30 there.



it wouldn't necessarily have to all come from

income tax, whatever my gambling income, but

A. Would have been declared on my

C. Would it be in the hundreds of

A. No, sir. I would have no way of

C. You have no idea?

A. I don't know, sir.

from 1934 to 1937?

and yourself take out of there in the period

you have described, how much did McDermott

C. Out of the type of operation that

work some nights.

sir. There may have been two or three fellows

A. Well, there was nothing unusual,

apart from Midgley and yourself as dealers?

C. How many observers did you have

and Elmer, correct.

A. Well, I worked and Midgley worked

have not as many as that.

C. Well, how many dealers did you

a day, sometimes they might get \$20, no that ---

A. Sometimes they could get \$15 for

you know what you were paying them.

C. You know what you paid your dealers?

that, sir.

A. Well, I never knew what they were

to the amount of a hand.





1 Q. Can I take it then that the  
2 extent of your recollection on how much you make  
3 would be governed by what we find in these  
4 copies of your income tax returns?

5 A. Yes, sir.

6 Q. Your recollection does not go  
7 beyond that?

8 A. Beyond that, sir?

9 Q. No, does not go beyond that.

10 A. The income tax returns?

11 Q. Yes.

12 A. No, sir.

13 Q. Now, turning to the Niagara  
14 area, were you familiar with the Polo Club  
15 located at 1693 Victoria Avenue, Niagara Falls,  
16 Ontario?

17 A. I don't believe I was, sir.

18 Q. Did you know Guadano who had  
19 something to do with this operation?

20 A. What is the name, sir?

21 Q. Reg. Guadano.

22 A. I know Reg. Guadano.

23 Q. I mean, had you ever been to that  
24 club while it was operating?

25 A. No, sir, to the best of my  
26 knowledge.

27 THE COMMISSIONER: How do you spell that  
28 "Guadano"?

29 MR. WILSON: G-u-a-d-a-n-o.

30 Q. Did you have any interest in that



Q. Can I take it then that the  
 extent of your recollection on how much you make  
 would be governed by what we find in these  
 copies of your income tax returns?

A. Yes, sir.

Q. Your recollection does not go  
 beyond that?

A. Beyond that, sir?

Q. No, does not go beyond that.

A. The income tax returns?

Q. Yes.

A. No, sir.

Q. Now, turning to the Niagara  
 area, were you familiar with the Polo Club  
 located at 1003 Victoria Avenue, Niagara Falls,  
 Ontario?

A. I don't believe I was, sir.

Q. Did you know Gaudano who had  
 something to do with this operation?

A. What is the name, sir?

Q. Reg. Gaudano.

A. I know Reg. Gaudano.

Q. I mean, had you ever been to that  
 club while it was operating?

A. No, sir, to the best of my  
 knowledge.

THE COMMISSIONER: How do you spell that?

Q. Gaudano.

Q. Did you have any knowledge in that



1 club?

2 A. No, sir. What was the name of  
3 the club?

4 Q. Polo Club.

5 A. No, sir.

6 Q. In 1953 there was a club known  
7 as the Lorelei Club operating in the Township  
8 of Bertie under the name, under a charter -  
9 now, you know the Lorelei Club, don't you?

10 Do you recall it?

11 A. Yes, sir.

12 Q. And there was a gaming house on  
13 those premises at that time under the name of  
14 the Hamilton Business Men's Bridge and Social  
15 Club. Do you recall that?

16 A. I recall hearing the name of that  
17 charter, sir.

18 Q. That charter was cancelled in  
19 April, 1954. Now, did either McDermott or  
20 yourself have any interest in that gaming  
21 operation?

22 A. Where is this, at the Lorelei  
23 Club, sir?

24 Q. Yes.

25 A. No, sir.

26 Q. None. Was "Gimpy" Segal one  
27 of your employees at one time?

28 A. No, sir.

29 Q. Never?

30 A. Never worked for me.





Q.

A. Yes, sir.

Q.

A. Yes, sir.

A. Yes, sir.

Q. In 1933 there was a club known

as the Labeled Club operating in the Township

of Keweenaw under the name, under a charter -

now, you know the Labeled Club, don't you?

A. Yes, sir.

A. Yes, sir.

Q. And there was a gaming house on

those premises at that time under the name of

the Labeled Club, is that correct?

A. Yes, sir.

Q. I recall hearing the name of that

charter, sir.

Q. That charter was cancelled in

1934, is that correct?

A. Yes, sir.

Q. You have any interest in that gaming

house?

A. No, sir.

Q. And?

A. Yes, sir.

A. No, sir.

Q. Of your employees at one time?

A. No, sir.

A. Yes, sir.

A. Never worked for me.



1 Q. Did he work at Fort Erie to your  
2 knowledge?

3 A. I don't know, couldn't swear he  
4 did or did not, sir.

5 THE COMMISSIONER: Speak up, please.

6 A. I don't know. Gimpy -- what is  
7 the last name?

8 MR. WILSON: Gimpy Segal.

9 A. I know a fellow called "Gimpy".  
10 I don't know if we are both refering to the  
11 same one, but he never worked for me, no sir.

12 Q. There is Exhibit 17 in these  
13 proceedings which is a telephone call which you  
14 made to Corporal Shrubbs, as he then was, on  
15 May 20th, 1958 - I am sorry, May 22nd, 1958.  
16 That conversation was reported - or, I am  
17 sorry, these are notes made by Shrubbs of the  
18 conversation he had with you at that time.

19 THE COMMISSIONER: Let me see Exhibit 17,  
20 please.

21 MR. WILSON: Q. In that conversation  
22 you were talking about the Ramsay Club, which  
23 I will deal with later, and you are familiar  
24 of course with the old Ramsay Club, Niagara  
25 Falls?

26 A. Yes, sir.

27 Q. But the point I want to direct  
28 your attention to is that in his notes of the  
29 discussion he had with you on that occasion  
30 in regard to the Ramsay Club - it is page 3,



Q. Did he work at Fort Erie to your knowledge?

A. I don't know, couldn't swear he did or did not, sir.

Q. I don't know, Jimmy -- what is the last name?

A. I know a fellow called "Jimmy".

I don't know if we are both referring to the same one, but he never worked for me, no sir.

Q. There is Exhibit IV in these

proceedings which is a telephone call which you

made to General Shupb, as he then was, on

May 20th, 1948 -- I am sorry, May 20th, 1948.

That conversation was repeated -- or, I am

sorry, these are notes made by Shupb of the

conversation he had with you at that time.

THE COMMISSIONER: Let me see Exhibit IV,

Q. Now, you were talking about the Ramsey Club, which

I will deal with later, and you are familiar

of course with the old Ramsey Club, Niagara

A. Yes, sir.

Q. But the point I want to direct

your attention to is that in his notes of the

discussion he had with you on that occasion

in regard to the Ramsey Club -- is it page 2?





1 Mr. Commissioner - he said that you said this:

2 "That Gimpy was at the door the

3 "same as Fort Erie"

4 Now, I am asking you whether or not "Gimpy"  
5 had been at the door at Fort Erie, who that  
6 "Gimpy" was?

7 A. I don't recall the conversation,  
8 but I may have said that.

9 THE COMMISSIONER: Then who was the "Gimpy"?

10 A. I don't recall, sir.

11 Q. You don't recall what?

12 A. Who the "Gimpy" was.

13 Q. And when you used the name "Gimpy"  
14 was at the door, who were you talking about?  
15 Do you know a "Gimpy"?

16 A. Yes.

17 Q. Do you associate him with operations  
18 over in Niagara Falls?

19 A. Yes, possibly.

20 Q. What particular operation?

21 A. Oh, I don't -- I'm sorry, I don't  
22 associate him. I have him in my mind and he  
23 is from over that way. He is a gambler.

24 Q. Yes, all right, over that way.  
25 What was he doing over there? "At the door".  
26 What particular door?

27 A. Well, I don't -- I can't recall  
28 making that statement, but if I made it I don't  
29 know that - what reference it would have at  
30 this time.

Mr. Commissioner - he said that you said this:

"That Jimmy was at the door the

"name as Fort White"

Now, I am asking you whether or not "Jimmy"

had been at the door at Fort White, who first

"Jimmy" was?

A. I don't recall the conversation,

but I may have said that.

THE COMMISSIONER: Then who was the "Jimmy"?

A. I don't recall, sir.

Q. Now, you said that

A. Who the "Jimmy" was.

Q. And when you used the name "Jimmy"

was at the door, who were you talking about?

Do you know a "Jimmy"?

Q. Do you associate him with operations

over in Kansas City?

A. Yes, possibly.

Q. What particular operations?

A. Oh, I don't -- I'm sorry, I don't

associate him. I have him in my mind and he

is from over that way. He is a gambler.

Q. Yes, all right, over that way.

What was he doing over there? "At the door."

A. Well, I don't -- I can't recall

making that statement, but if I made it I don't

know that - what reference it would have to

was this.





1 THE COMMISSIONER: I see.

2 MR. WILSON: Q. Isn't it a fact that  
3 you told Shrubb that "Gimpy" used to work  
4 for you at Fort Erie, and that he made a slight  
5 error in letting undercover men into the  
6 premises at the Lorelei Club?

7 A. I don't recall saying that, sir.

8 Q. Do you deny it?

9 A. I cannot confirm or deny it, sir.

10 THE COMMISSIONER: Well, if you said it,  
11 was it true?

12 A. I couldn't swear to that one  
13 way or the other.

14 Q. Well, did he work for you at  
15 the Lorelei Club?

16 A. I just finished telling Mr. Wilson  
17 he didn't work for me.

18 Q. Did he work at the Lorelei Club?

19 A. He may have. I couldn't swear.

20 Q. To your knowledge did he work?

21 A. I couldn't swear he did or  
22 didn't.

23 MR. WILSON: Q. The evidence of Shrubb  
24 on that point is at page 2986 - 2987. Did  
25 you have any interest in the gambling operation  
26 that was carried on at the Lorelei Club at  
27 any time?

28 A. No, sir.

29 Q. Or on the premises in which the  
30 Lorelei Club was situate, at any time?





THE COURT: I see.

MR. WILSON: Q. Isn't it a fact that

you told Shupp that "dampy" used to work

for you at the hotel club, and that he made a mistake

error in letting Anderson men into the

premises of the hotel club?

A. I don't recall seeing him there.

Q. Do you deny it?

A. I don't recall seeing him there.

THE COURT: Well, in your mind,

was it true?

A. I couldn't swear to that one

way or the other.

Q. Well, did he work for you at

the hotel club?

A. I just finished telling Mr. Wilson

negatin' work for me.

Q. Did he work at the hotel club?

A. He may have. I couldn't swear.

Q. To your knowledge did he work?

A. I couldn't swear he did or

didn't.

MR. WILSON: Q. The evidence of Shupp

is that you said he was there - right?

Q. You have any interest in the gambling operation

that was carried on at the hotel club at

any time?

A. No, sir.

Q. Or on the premises in which the

hotel club was located, at any time?



1 A. No, sir.

2 Q. Now, in 1954 after the conviction  
3 of the Hamilton Business Men's Bridge and  
4 Social Club, a Ramsay Club charter, that is,  
5 the Federal charter, appeared at that location.  
6 Now, that only lasted a matter of a few months.  
7 Did you have anything todo with that operation?

8 A. In what way, sir?

9 Q. In any way?

10 A. I had been there on a couple of  
11 occasions.

12 MR. WILSON: That, Mr. Commissioner,  
13 lasted until May of 1955.

14 Q. Well, Felix Borelli was involved  
15 in that period, in the operation of the Ramsay  
16 Club during this period it was in Bertie  
17 Township. Was he an associate of McDermott  
18 and yourself?

19 A. I have known Felix Borelli for  
20 probably twenty years.

21 THE COMMISSIONER: Was he an associate,  
22 business associate of you and McDermott?

23 A. Well, I don't know your definition  
24 of a "business associate" with regard to  
25 this particular incident, Mr. Roach.

26 Q. What would be your definition?

27 A. Well, I have known Borelli for  
28 years. I have bet with him and he has bet  
29 with me. He has come to the club at Cooksville  
30 and gambled there, and I have gone to the



A. No, sir.

Q. Now, in 1954 after the conviction

of the Hamilton Business Men's Bridge and

the Federal charter, appeared at that location.

Now, that only lasted a matter of a few months.

Did you have anything to do with that operation?

A. In what way, sir?

Q. In any way?

A. I had been there on a couple of

occasions.

Q. How many times?

lasted until May of 1955.

Q. Well, until May of 1955?

in that period, in the operation of the Hamsey

Club during this period it was in Herbie

Township. Was he an associate of McDermott

and yourself?

A. I have never seen either of them.

probably twenty years.

THE COMMISSIONER: Was he an associate,

business associate of you and McDermott?

A. Well, I don't know your definition

of a "business associate" with regard to

this particular situation, Mr. Commissioner.

Q. What would be your definition?

A. Well, I have known Bonelli for

years. I have bet with him and he has bet

with me. He has come to the club at Coonerville

and gambled there, and I have gone to the





1 racetrack with him over a period of years  
2 and gambled with him. So that is a business -  
3 I suppose you would call that a business  
4 affiliation, would you?

5 Q. Would you?

6 A. I would have thought, if I was  
7 using the term "business affiliation" that  
8 I could apply it here.

9 THE COMMISSIONER: Right.

10 MR. WILSON: Q. Have you ever had any  
11 share interest or other interest with him in  
12 any gambling establishments in the Niagara  
13 Peninsula area?

14 A. No, sir.

15 Q. He, of course, to your knowledge,  
16 is a man with a long criminal record?

17 A. Not to my knowledge. I under-  
18 stand from him that he has had a few gaming  
19 convictions, yes.

20 Q. But he is a person who has gone  
21 on fishing trips with McDermott, Ryan and  
22 Humphrey and yourself?

23 A. Yes, sir. We have been away  
24 fishing together.

25 THE COMMISSIONER: Well, 2:15.

26  
27 ---The hearing adjourned from 1:00 p.m. to  
28 2:15 p.m.



investigate with him over a period of years

and gambled with him. So that is a business -

I suppose you would call that a business -

business, is it not?

Yes, it is.

A. I would have thought, if I was

using the term "business affiliation" that

I could apply it here.

THE COMMISSIONER: Right.

MR. WILSON: Q. Have you ever had any

share interest or other interest with him in

any gambling establishments in the State?

THE COMMISSIONER: Yes.

A. No, sir.

Q. He, of course, to your knowledge,

is a man with a long criminal record?

A. Not to my knowledge. I under-

stand from him that he has had a few gaming

establishments, yes.

Q. But he is a person who has gone

on fishing trips with McDermott, Ryan and

Murphy and yourself?

A. Yes, sir. We have been away

from the State.

THE COMMISSIONER: Well, 2:15.

---The hearing adjourned from 1:00 p.m. to

2:15 p.m.





AA/JNG/1

1 ---00 resuming at 2.15 p.m.

2 ---The witness resumed the stand.

3  
4 MR. WILSON: Q. We were dealing with the  
5 Canadian Merchant Navy Veterans Association  
6 in Bertie Township and it operated there  
7 under a federal charter in 1955 and 1956  
8 and through to July, 1957. During that  
9 time, were you in attendance on the club  
10 premises at 3 Thompson Road in Bertie  
11 Township?

12 A. That is for the years 1955,  
13 '56 or '57?

14 Q. And up to July, 1957?

15 A. Yes, I believe I was, sir.

16 Q. I think you told us that you  
17 knew Louis Herman, the lawyer, well?

18 A. Yes, sir.

19 Q. He has in his evidence at page 6653  
20 stated that McDermott and yourself advised  
21 him that the club in Bertie Township was  
22 having some difficulty and asked him to  
23 make arrangements for new charters to be  
24 extended to that particular club. Do you  
25 recall any such discussion with Herman?

26 A. No, I don't recall any specific  
27 discussion along those lines, Mr. Wilson.  
28 There may have been. I would only be  
29 guessing.

30 Q. Well, you do recall -- you do





---on morning at 8.15 p.m.

---the witness continued his story.

Q. Now, you said that the Canadian Merchant Navy Veterans Association

in Berke Township and it operated there

from a building situated at 1111 West 11th

and through to July, 1957. During that

time, were you in attendance on the club

premises at 2 Thompson Road in Newbie

Testimony

A. That is for the years 1955,

1956 or 1957

Q. And in 1957, 1958

A. Yes, I believe I was, sir.

Q. I think you told us that you

knew Louis Herman, the lawyer, well?

A. Yes, sir.

Q. He was in his evidence at page 6553

stated that Herman was a member of the

club that the club in Berke Township was

having some difficulty and asked him to

make arrangements for new quarters to be

extended to that particular club. Do you

recall any such discussion with Herman?

A. No, I don't recall any specific

discussion along those lines, Mr. Wilson.

There may have been. I would only be

guessing.

Q. Well, you do recall -- you do



1 recall the provincial charters being obtained  
2 in July, 1957, for the Centre Road Club, what  
3 became the Centre Road Veterans, the Frontier  
4 at Fort Erie, and the Roseland in Windsor?

5 A. I do recall those, yes, sir.

6 Q. First of all, did you have  
7 any interest in the period 1955 to '57  
8 in the Canadian Merchant Navy Veterans  
9 Association in Bertie Township?

10 A. Financial interest, sir?

11 Q. Any interest of any kind?

12 A. No, I had no interest in the club,  
13 sir.

14 Q. Did McDermott?

15 A. No, sir.

16 Q. Then ---

17 THE COMMISSIONER: Q. At the time the  
18 provincial charters were issued, do you  
19 mean?

20 A. Well, ---

21 MR. WILSON: Q. I am talking about the  
22 period up to the issue of the provincial  
23 charters first.

24 A. I wasn't clear on that point.

25 Q. Take it up to the time the  
26 provincial charter was issued. Did you  
27 have any financial interest?

28 A. No, sir, I had no financial  
29 interest in that club at all.

30 Q. Who, to your knowledge, was operating



in July, 1957, for the Gentle Road Club, was  
 became the Gentle Road Veterans, the Promotion  
 at Fort White, and the House and in Winston  
 A. I am very sorry, yes, sir.

Q. What of all, did you have  
 any interest in the period 1955 to 1957  
 in the Canadian Maritime Navy Veterans.

Answered in detail, please.

A. I am sorry, yes.

Q. Any interest or any money

A. No, I had no interest in the club.

Q.

Q. Did McDermott?

A. No, sir.

Q. Then ---

THE COMMISSIONER: Q. At the time the

provincial charter were issued, do you

know

A. Well, ---

MR. WILSON: Q. I am asking about the

period up to the time of the provincial

charter.

A. I wasn't clear on that point.

Q. Take it up to the time the

provincial charter was issued. Did you

have any financial interest?

A. No, sir, I had no financial

interest in that club at all.

Q. Who, to your knowledge, was involved in





1 the club prior to July, 1957, in Bertie Township?

2 A. Well, Felix Borelli -- I would  
3 say Felix Borelli was the principal in that  
4 club.

5 Q. Then you sat in on the discussions  
6 in regard to obtaining of the three provincial  
7 charters, didn't you?

8 A. Where is this, Mr. Wilson?

9 Q. That is for the Centre Road, Frontier  
10 and Roseland?

11 A. I am not just sure about which  
12 discussions you are referring to, sir.

13 THE COMMISSIONER: Q. Any discussions?

14 A. I may have, sir. I don't  
15 recall any specific discussions.

16 Q. That wasn't exactly what you were  
17 asked. You were asked if you sat in on some  
18 discussions in respect of obtaining of  
19 provincial charters for these three clubs?

20 A. Mr. Wilson, as I recall the  
21 question, asked me if I sat in with Mr. Herman,  
22 some line of questioning there. I don't  
23 know which question he is referring to.

24 Q. Put your question so there will  
25 be no misunderstanding by the witness.

26 MR. WILSON: Q. You know that Mr.  
27 Herman was the solicitor acting in connection  
28 with the obtaining of these three provincial  
29 charters for the Centre Road, Frontier and  
30 Roseland?



the ship prior to July, 1937, in Lewis Township?

A. Yes, I recall seeing the ship in that

Q. Then you sat in on the discussion

in regard to obtaining of the three provincial

A. Yes, I sat in on that, Mr. Wilson.

A. I am not just sure about which

discussion you are referring to, sir.

THE COMMISSIONER: Q. Any discussion?

A. I may have, sir. I don't

recall any specific discussions.

Q. That wasn't exactly what you were

asked. You were asked if you sat in on some

discussion in respect of obtaining of

provincial charters for these three ships?

A. Mr. Wilson, as I recall the

question, asked me if I sat in when Mr. Norman,

was one of the officials present. I don't

know which question he is referring to.

Q. But your question so there will

be no misunderstanding by the witness.

MR. WILSON: A. You know that Mr.

Norman was the collector acting in connection

with the obtaining of these three provincial

charters for the General Fund, Provincial and





1 A. I am aware of that, sir.

2 Q. Did you attend any meetings with  
3 Mr. Herman in connection with the obtaining  
4 of those provincial charters?

5 A. I may very well have. I don't  
6 recall any specific meeting but I may have.  
7 I would hazard a guess and say I may have  
8 attended.

9 THE COMMISSIONER: Wait a minute, Mr.  
10 Wilson. I don't want any room left for any  
11 doubt about the questions and answers.  
12 You were not asked about any specific -- you  
13 were asked if you sat in on any discussions  
14 with Herman, either you alone or you and  
15 others, at any time?

16 A. I may have, sir. I would only  
17 be guessing.

18 Q. You have no recollection of  
19 having discussed the matter?

20 A. I have been in and out of Mr.  
21 Herman's office hundreds of times. I have  
22 no specific recollection of discussing  
23 this in my mind right now, sir.

24 MR. WILSON: Q. Tell us what part you  
25 played in the obtaining of these three  
26 charters?

27 A. Well, I don't recall having  
28 played any part and this is only guessing.  
29 It seems to me, to my mind, that the Attorney  
30 General or the Provincial Secretary suggested





A. I am aware of that, sir.  
 Q. Did you attend any meetings with

of those provincial character?  
 A. I may very well have, I don't

recall any specific meeting but I may have.  
 I would hazard a guess and say I may have

Wilson. I don't want any room left for any  
 doubt about the questions and answers.  
 You were not asked about any specific -- you  
 were asked if you sat in on any discussions  
 with Herman, either you alone or you and  
 others, at any time?

A. I may have, sir. I would only  
 be guessing.

Q. You have no recollection of  
 having discussed the matter?

A. I have been in and out of Mr.  
 Herman's office hundreds of times. I have  
 no specific recollection of discussing  
 this in my mind right now, sir.

MR. WILSON: Q. Tell us what part you  
 played in the obtaining of these three  
 characters?

A. Well, I don't recall having  
 played any part and this is only guessing.  
 It seems to me, to my mind, that the Attorney  
 General or the Provincial Secretary suggested



1 to Mr. Herman that these -- or the Centre Road  
2 Veterans Association had a federal charter  
3 and that it was out of their jurisdiction  
4 as the federal charters were handled by  
5 the federal government in Ottawa, and that it  
6 was their suggestion -- and there again I  
7 don't know whether it would be the  
8 Provincial Secretary's or the Attorney  
9 General's Department -- that we should  
10 surrender the federal charter for a  
11 provincial charter and come within the  
12 jurisdiction of the O.P.P. That is my  
13 recollection, sir.

14 THE COMMISSIONER: Q. Who told you  
15 that?

16 A. Well, I don't know whether  
17 Mr. Herman told me that, but I am just  
18 conveying in my words my recollection of  
19 how this came about.

20 MR. WILSON: Q. Well, what was the  
21 problem so far as these three clubs were  
22 concerned which gave rise to this decision  
23 on your part to apply for a provincial  
24 charter?

25 THE COMMISSIONER: May I ask you to  
26 wait for a moment. Some one told me that  
27 it was suggested, and now I am quoting,  
28 "We surrender the federal charter and get a  
29 provincial charter."

30 A. Yes, it may have been McDermott



to Mr. Norman that there -- of the Gentile Road  
 Government Association had a Federal chapter  
 and that it was out of their jurisdiction  
 as the Federal chapters were handled by  
 the Federal Government in Ottawa, and that it  
 was their suggestion -- and there again I  
 don't know whether it would be the

Provincial Secretary or the Attorney  
 General's Department -- that we should  
 surrender the Federal charter for a  
 provincial charter and come within the  
 jurisdiction of the C.P.P. That in my  
 recollection, etc.

THE COMMISSIONER: Yes, but I will  
 have to ask you to wait for a moment.

Mr. Norman told me that, but I am just  
 conveying in my words my recollection of  
 what he said.

MR. WILSON: Well, what was the  
 program so far as these three clubs were  
 concerned which gave rise to this decision  
 as your party to apply for a provincial

chapter?

THE COMMISSIONER: May I ask you to  
 wait for a moment. Some one told me that  
 it was suggested, and now I am doubtful.

"He surrendered the Federal charter and got a  
 provincial charter."

A. Yes, it may have been recommended.





1 or it may have been Mr. Herman or it may have  
2 been some one else. I just can't pinpoint  
3 but it seems to me there was a discussion,  
4 whether it be between McDermott and myself  
5 or Mr. Herman and myself, or who, I don't  
6 know exactly just who it would be.

7 Q. Well, still keeping in mind your  
8 exact language, "That we surrender the federal  
9 charter", who is "we"?

10 A. Well, I am using that as a --  
11 probably I was referring to myself.

12 Q. Speak up.

13 A. I was referring to myself and  
14 McDermott.

15 Q. That you surrender the final  
16 charters. All three of them?

17 A. No. I would be referring to the  
18 federal charter at Cooksville.

19 Q. That one only?

20 A. Yes, sir.

21 Q. The question was with respect  
22 to three charters. What interest did you  
23 have in the Roseland charter, the Roseland  
24 Club?

25 A. I had no interest in it, sir.

26 Q. Did McDermott?

27 A. No, sir.

28 Q. Who was operating the Roseland  
29 Club under the federal charter?

30 A. As far as I was concerned, Gardner



or it may have been Mr. Newman or it may have

been some one else. I just can't pinpoint

but it seems to me there was a discussion,

whether it be between McDermott and myself

or Mr. Newman and myself, or who, I don't

know exactly just who it would be.

Q. Well, still keeping in mind your

exact language, "That we surrender the federal

character", who is "we"?

A. Well, I am using that as a --

probably I was referring to myself.

Q. Now, when you

A. I was referring to myself and

McDermott.

Q. That you surrender the final

character. All right, now

A. No, I would be referring to the

federal character as McDermott.

Q. Now, when you

A. Yes, sir.

Q. The question was with respect

to these characters. What interest did you

have in the Newland character, the Newland

character?

A. I had no interest in it, sir.

Q. Did McDermott?

A. No, sir.

Q. Who was operating the Newland

character at that time?

A. As far as I was concerned, McDermott.





1 and Finnigan were operating the Roseland Club.

2 Q. You are swearing neither you  
3 nor McDermott had any interest in it?

4 A. That is correct.

5 Q. When you used the word "we", you  
6 had McDermott and yourself in mind?

7 A. That is right.

8 Q. Did you and McDermott control the  
9 Centre Road Veterans Club charter? I mean  
10 the federal charter?

11 A. I never ever considered that I  
12 and McDermott controlled it, no, sir.

13 Q. Well, who did?

14 A. I don't know that. Probably  
15 McLaughlin was instrumental in getting the  
16 charter out there when it was determined  
17 that the Alpha charter was a limited company  
18 and wasn't a charter, a proper charter, under  
19 The Companies Act. So that I don't know  
20 whether you could say that he may have  
21 had control of it.

22 Q. You see, witness, what I am  
23 interested in is the language you used.  
24 You suggested "we surrender the federal  
25 charters". I thought you said "charters"?

26 A. No, I think I said the Centre  
27 Road Veterans.

28 Q. I think you said "charters".

29 A. If I did, I didn't mean to.

30 Q. What you meant then was the





Q. Now, you were talking about the charter, is that right?

A. Yes, you are swearing before you

Q. Now, you were talking about the charter, is that right?

A. That is correct.

Q. When you used the word "we", you

had McGovern and yourself in mind?

A. That is right.

Q. Did you and McGovern control the

Q. Now, you were talking about the charter, is that right?

the federal charter?

A. I never ever considered that I

and McGovern controlled it, no, sir.

Q. Now, you were talking about the charter, is that right?

A. I don't know that. Probably

McGovern was instrumental in getting the

charter out there when it was determined

that the federal charter was a thing that

and wasn't a charter, a proper charter, under

The Companies Act. So that I don't know

whether you could say that he may have

had control of it.

Q. You see, witness, what I am

interested in is the language you used.

You suggested "we surrendered the federal

charter". I thought you said "surrendered"

A. No, I think I said the Charter

Board Veterans.

Q. I think you said "surrendered".

A. If I did, I didn't mean so.

Q. What you meant when you said



1 charter of the Centre Road Veterans Club be  
2 surrendered. You were limiting your statement  
3 to that?

4 A. Yes, sir.

5 Q. And the "we" are yourself and  
6 McDermott?

7 A. Yes, sir.

8 Q. How did you and McDermott get the  
9 charter?

10 A. Well, it was granted through  
11 McLaughlin to somebody that he knew in the  
12 Army and Navy.

13 Q. Will you repeat that? I will  
14 have the Reporter repeat it.

15 THE REPORTER (reads): "Well, it was  
16 "granted through McLaughlin to somebody  
17 "that he knew in the Army and Navy."

18 THE COMMISSIONER: Q. To some one  
19 McLaughlin knew in the Army and Navy?

20 A. Yes, sir.

21 Q. The Dominion Command, do you  
22 mean?

23 A. I don't know whether it would be in  
24 the Dominion Command, sir, or not.

25 Q. All right. Come back to the  
26 question I asked. How did you and McDermott  
27 get this charter of the Centre Road Club?  
28 You were the people who were going to  
29 surrender it. How did you get it so you  
30 could surrender it? That is what I want to



character of the Gentle Road Veterans Club be  
 authorized. You were limiting your statement

to that?

A. Yes, sir.

Q. And the "we" are yourselves and

McIntosh?

A. Yes, sir.

Q. How did you and McIntosh get the

charter?

A. Well, it was granted through

McIntosh to somebody that he knew in the

Army and Navy.

Q. Will you repeat what I said

have the Reporter repeat it.

THE REPORTER (reads): "Well, it was

granted through McIntosh to somebody

that he knew in the Army and Navy."

THE COMMISSIONER: All right.

McIntosh was in the Army and Navy.

A. Yes, sir.

Q. The Dominion Command, do you

mean?

A. I don't know whether it would be in

the Dominion Command, sir, or not.

Q. All right. Come back to the

question I asked. How did you and McIntosh

get this charter of the Gentle Road Club?

You were the people who were going to

authorize it. How did you get it so you

could authorize it? That is what I want to





1 find out.

2 A. Mr. Herman -- as I recall, Mr.  
3 Herman acts for the Army and Navy. I don't  
4 know whether it is the provincial people or  
5 the federal people or who it is, but he  
6 acts for the Army and Navy people and it  
7 seems to me that it would be through Mr.  
8 Herman some way or another.

9 Q. What would be through Mr. Herman  
10 in some way or another?

11 A. This obtaining the charter we  
12 are speaking of.

13 Q. There is no doubt in your mind  
14 as to that, that you and McDermott had  
15 finally this charter for the Centre Road Club?  
16 You have said that?

17 A. Well, when you say we had it,  
18 I recall the charter coming through, wherever  
19 it came through from. I don't know if it  
20 is the Provincial Command or wherever it  
21 came through from. It was eventually --  
22 whether I picked it up from Mr. Herman's  
23 office or whether the charter was actually  
24 mailed to the club premises where it was,  
25 but it was taken and put up on the wall.

26 Q. All right, how did you and  
27 McDermott get it? That is a very simple  
28 question. You are bright enough to  
29 understand it. Answer it.

30 A. As I have said, I believe it

kind one.

Q. Now, when you saw the Army and Navy, I don't

know whether it is the provincial people or

the federal people or who it is, but he

says for the Army and Navy people and it

seems to me that it would be through Mr.

Herman some way or another.

Q. What would be through Mr. Herman

in some way or another?

A. This obtaining the charter we

are now doing.

Q. There is no doubt in your mind

as to that, that you and McDermott had

finally this charter for the Geneva Road Club?

Q. Yes, that is right.

A. Well, when you say we had it,

I recall the charter coming through, whenever

it came through from. I don't know if it

is the Provincial Command or wherever it

came through from. It was eventually --

whether I picked it up from Mr. Herman's

office or whether the charter was actually

mailed to the club premises where it was,

and it was taken and put up on the wall.

Q. All right, how did you and

McDermott get it? That is a very simple

question. You are bright enough to

understand it. Answer it.

A. As I have said, I believe it





1 was through Mr. Herman.

2 Q. All right. Did you pay for it?

3 A. No.

4 Q. Did somebody gratuitously give  
5 it to you?

6 A. Well, I don't recall any paying  
7 for it. To the best of my knowledge you  
8 don't buy them or anything, they just give  
9 them or grant them to you.

10 Q. There was a charter, a federal  
11 charter. Now, how was that transferred to  
12 you and McDermott? That is what I want to  
13 find out.

14 A. Which one are we referring to?

15 Q. The federal charter that was  
16 eventually cancelled and the provincial  
17 charter issued. I am talking about the  
18 federal charter. How was that transferred  
19 to you and McDermott?

20 A. I don't believe it was transferred  
21 to us. I think these things are given out  
22 to a group or for a group.

23 Q. You and McDermott were going to  
24 surrender it. Now, in order to surrender it,  
25 you had to have possession of it and control  
26 of it. How did you get that possession and  
27 control? That is what I want to find out  
28 and I am going to.

29 A. As I said, I can't swear that  
30 we got it in the mail or it came to the





Q. Now, did you pay for it?

A. All right. Did you pay for it?

Q. No.

Q. Did somebody gratuitously give

it to you?

A. Well, I don't recall any paying

for it. To the best of my knowledge you

don't buy them or anything, they just give

them or grant them to you.

Q. There was a charter, a Federal

charter. Now, how was that transferred to

you and McGowan? That is what I want to

find out.

A. Which one are we referring to?

Q. The Federal charter, is that

eventually cancelled and the provisional

charter issued. I am talking about the

Federal charter. Now was that transferred

to you and McGowan?

A. I don't believe it was transferred

to us. I think these things are given out

to a group or for a group.

Q. You and McGowan were going to

acquire it. Now, in order to acquire it,

you had to have possession of it and control

of it. Now did you get that possession and

control? That is what I want to find out.

A. And I am going to.

Q. As I said, I can't swear that

we got it in the mail or it came to the



1 clubhouse or the steward picked it up from Mr.  
2 Herman's office or where it came from. I don't  
3 recall. But the charter was on the premises  
4 at the Vets Club in Cooksville so that in  
5 turn it may have been mailed back to Mr.  
6 Herman. I don't recall.

7 Q. I am not talking about who gave  
8 you physical possession of the paper. I want  
9 to know what led up to your becoming the  
10 proprietor of that charter, you and  
11 McDermott?

12 A. I never really considered myself  
13 as the proprietor because it is granted to a  
14 group of people rather than any one  
15 specifically.

16 Q. All right. How did the group  
17 become reduced to you and McDermott?

18 A. I don't know that it did become  
19 reduced. The charter, as I recall the  
20 document, is given out to a bunch of veterans.  
21 These charters are granted to a group of  
22 veterans.

23 Q. Are you a veteran?

24 A. I was in the Army, sir.

25 Q. I see. All right. How did you  
26 two become the sole owners of that charter?

27 A. I never considered myself the  
28 sole owner.

29 Q. If you and McDermott did not  
30 consider yourselves the sole owner, how were



telephone or the evening picked it up from Mr. Newman's office or where it came from. I don't

recall. But the chapter was on the premises

at the time it was in Newman's office.

Now it may have been mailed back to Mr.

Newman. I don't recall.

Q. I am not talking about who gave

you physical possession of the paper. I want

to know how it got to your hands.

Proprietor of that chapter, you said

that.

A. I never really considered myself

as the proprietor because it is granted to a

group of people rather than any one

personally.

Q. All right, you are the

person who is in charge of the

A. I don't know that it did become

reduced. The chapter, as I recall the

document, is given out to a bunch of veterans.

These chapters are granted to a group of

persons.

A. Yes, you are right.

A. I was in the Army, sir.

Q. I see. All right. Now did you

two become the sole owners of that property?

A. I never considered myself as

being one.

Q. If you and Webster did not

consider yourselves the sole owner, how were





1 you two going to surrender it?

2 A. Possibly we were acting on behalf  
3 of the rest of the club.

4 Q. I don't want any possibilities, I  
5 want the facts.

6 A. I am giving you the best I can.

7 Q. Now, you haven't answered met yet.  
8 I want to know how it came about that you and  
9 McDermott had control of that charter and  
10 could do with it as you pleased?

11 A. I don't think, sir, that that was  
12 the case at all. I never considered that --  
13 it was agreed at a meeting or somewhere that  
14 the lawyer recommended that this charter at  
15 the club should be surrendered for a provincial  
16 charter and whether I acted or whether the  
17 steward acted or McDermott acted on behalf  
18 of the club, I don't recall that, sir.

19 Q. You have no knowledge of how  
20 that came about?

21 A. I have knowledge that I went to  
22 Mr. Hermann's office on various occasions and  
23 discussed these letters and the police  
24 raids with Mr. Herman, and the representation  
25 on his suggestion that we should turn in this  
26 charter. That is my recollection and that  
27 is how it was done.

28 Q. That is the best explanation you  
29 can give?

30 A. Yes. As I recall, that is the



A. Yes. As I recall, that in the

can give?

Q. That in the past explanation you

in how it was done.

chapter. That is my recollection, and that

on his suggestion that we should turn in some

raids with Mr. Herman, and the representation

discussed these letters and the police

Mr. Herman's office on various occasions and

A. I have knowledge that I went to

Q. You have no knowledge of how

of the club, I don't recall that, etc.

steward acted or Mohrmost acted on behalf

chapter and whether I acted or whether the

the club should be surrendered for a provisional

the lawyer recommended that this chapter be

it was agreed at a meeting or somewhere that

the case at all. I never considered that --

A. I don't think, sir, that that was

could do with it as you pleased?

testimony was made at that meeting and

I want to know how it came about that you and

Q. Now, you haven't answered me yet.

A. I am giving you the best I can.

and the lawyer.

Q. I don't want any possibilities, I

at the time of the trial.

A. I thought it was better to delay

and the lawyer.





1 way ---

2 Q. You are swearing that is all the  
3 knowledge you have of it? That is the oath  
4 you took, to tell the truth, the whole truth  
5 and nothing but the truth. Now, is that  
6 the whole truth?

7 A. Everything I am telling you here  
8 is the truth.

9 Q. But is that the whole truth?

10 A. I am telling you to the best of  
11 my recollection, to the best of my recollection,  
12 what happened. Possibly Mr. McDermott can  
13 give you more details of the thing than  
14 that. To the best of my recollection, the  
15 charter was turned back into the Army and  
16 Navy people and subsequently the charter  
17 issued from the Provincial Secretary's Office.

18 Q. And that is all you can tell  
19 us about it?

20 A. What else did you want to know?

21 Q. I don't know what your knowledge  
22 is. I want you to tell me what knowledge  
23 you have about it.

24 A. To the best of my recollection at  
25 this time, that is what happened.

26 Q. All right, who paid Herman?

27 A. There again, I would only guess.  
28 I may have paid him. He may have been paid  
29 by cheque from the bank account of the club.  
30 He may have been paid by the steward. He may





way --

Q. You are swearing that is all the

knowledge you have of it? That is the only

you took, to tell the truth, the whole truth

and nothing but the truth. Now, is that

the whole truth?

A. Everything I am telling you here

is the truth.

Q. But is that the whole truth?

A. I am telling you to the best of

my recollection, to the best of my recollection,

that is all I can say.

Q. Give me some details of the trial then

that. To the best of my recollection, the

charges were that the defendant was

guilty of the crime of

murder in the first degree.

Q. And that is all you can tell

us about it?

A. What else did you want to know?

Q. I don't know what your knowledge

is. I want you to tell me what knowledge

you have.

A. To the best of my recollection as

this time, that is what happened.

Q. All right, who paid Herney?

A. There again, I would only guess.

I may have paid him. He may have been paid

by someone from the back account of the case.

He may have been paid by the reward. He may



1 have been paid by McDermott. I don't know.

2 Q. Did the club have a bank account?

3 A. Yes, sir.

4 Q. Where?

5 A. Somewhere in Cooksville.

6 Q. Don't you know?

7 A. There are two or three banks there.

8 Q. Don't you know where the bank  
9 account of the club was?

10 A. I couldn't swear to it, no.

11 It would be one of those banks in Cooksville.

12 Q. Will you pledge your oath you  
13 didn't pay Herman personally?

14 A. No, I couldn't do that. I have  
15 already told you possibly it was me. Possibly  
16 it was McDermott. Maybe it was Lafrade.  
17 It may have been Riggs. I couldn't swear  
18 on that at all, sir.

19 Q. Mr. Wilson.

20 MR. WILSON: Q. Mr. Herman swore he  
21 was paid his fee for the three charters  
22 by McDermott, Gardner, McKay and McLaughlin.  
23 Would you say that was wrong?

24 A. No, I couldn't say that that  
25 was wrong. I couldn't say that at all.

26 Q. By the way, was McLaughlin a  
27 war veteran?

28 A. Yes, sir.

29 Q. And so far as the club in Bertie  
30 Township was concerned, the Jockey Club took

AA/3



have been paid by Webster. I don't know.

Q. Did the club have a bank account?

A. Yes, sir.

Q. Somewhere in Connecticut.

Q. Don't you know?

A. There are two or three banks there.

Q. Don't you know where the bank

account of the club was?

A. I couldn't swear to it, no.

It would be one of those banks in Connecticut.

Q. With the club?

A. Yes, sir.

Q. I couldn't say that.

already told you possibly it was me. Possibly

it was Webster. Maybe it was Webster.

It may have been right. I couldn't swear

on that at all, sir.

Q. Yes, sir.

MR. WILSON: Q. Mr. Herman swore he

was paid his fee for the three chapters

by Webster, Gardner, McKay and McLaughlin.

Q. Did you see him?

A. No, I couldn't say that.

Q. I couldn't say that at all.

Q. By the way, was Webster in

A. Yes, sir.

Q. And so far as the club in

Connecticut was concerned, the Jockey Club





1 over the original site and they had to get a  
2 new location at 3 Thompson Road?

3 A. Yes, that would be correct.

4 Q. That was in the fall of 1956.

5 Now, you had telephone conversations from time  
6 to time with Corporal Shrubbs?

7 A. Yes, sir.

8 Q. And in one of those conversations  
9 which is covered by a report made by Corporal  
10 Shrubbs, Exhibit 113, he referred to the  
11 conversations ---

12 THE COMMISSIONER: Let me see Exhibit 113.

13 MR. WILSON: Q. At page 2 of Exhibit 113  
14 or 112 -- they are both the same -- page 2,  
15 paragraph 8, he refers to the conversation  
16 that occurred on August 31st, 1956, and under  
17 "A", he says this:

18 "THE CLUB. They are running all right

19 "at present and are making money. The

20 "instruction passed to us is to leave

21 "them alone, no harm is being done.

22 "They are aware of these instructions.

23 "The Fort Erie Club is changing

24 "location and he was in Fort Erie

25 "the day previous and not at Huntsville,

26 "as he had previously stated."

27 Now, was it a fact that you had such a conversation  
28 with Shrubbs?

29 A. I had many conversations.

30 Q. This particular one I am directing



...the ...  
...the ...

A. Yes, that would be correct.

Q. That was in the fall of 1936.

Now, you had telephone conversations from time

to time with ...

A. Yes, sir.

Q. And in one of these conversations

which is covered by a report made by Corporal

Shrop, Exhibit 113, he referred to the

...

THE COMMISSIONER: Let me see Exhibit 113.

MR. WILSON: Q. At page 2 of Exhibit 113

or 112 -- they are both the same -- page 2,

paragraph 8, he refers to the conversation

that occurred on August 21st, 1936, and under

"As we were sitting

"THINK OUT. They are running all right

"at present and are making money. The

"instruction seemed to us to leave

"them alone, no harm is being done.

"They are aware of these instructions.

"The Port Erie Club is changing

"location and he was in Port Erie

"the day previous and not at Harrisville,

"as he had previously stated."

...

...

A. I had many conversations.

Q. This conversation one I am alluding





1 your attention to, did you have that conversation?

2 A. What year was that, Mr. Wilson?

3 Q. August 31st, 1956.

4 A. I don't recall the particular  
5 incident. I may have.

6 Q. Do you deny what I have just  
7 read to you as to what he reports you as having  
8 stated?

9 A. I don't -- I couldn't swear I  
10 said that or I couldn't swear I didn't say  
11 that. I have talked to Shrubbs on many  
12 occasions. I certainly wouldn't swear I said  
13 that, by any stretch of the imagination.

14 THE COMMISSIONER: Q. Will you deny you  
15 said it?

16 A. Could I see the conversation,  
17 please?

18 --- (The witness is handed Mr. Wilson's brief to read.)  
19

20 THE WITNESS: I doubt very much that I  
21 said that to Shrubbs.

22 THE COMMISSIONER: Q. Are you swearing  
23 now that you didn't?

24 A. Well, there is some ---

25 MR. WILSON: Q. So are you swearing that  
26 you didn't or aren't you?

27 A. I can't do that, Mr. Wilson.

28 Q. What do you want to do?

29 A. I may have said some of those things  
30 and some of them I may not have said. That is





your attention to, did you have that conversation?

A. What year was that, Mr. Wilson?

A. I don't recall the particular

incident. I may have.

Q. Do you deny what I have just

said to you as to what he reported you as having

A. I don't -- I couldn't swear I

said that or I couldn't swear I didn't say

that. I have talked to Shrop on many

occasions. I certainly wouldn't swear I said

that, by any stretch of the imagination.

THE COMMISSIONER: Q. Will you deny you

said it?

A. Could I see the conversation,

please?

---(The witness is handed Mr. Wilson's brief to read.)

THE WITNESS: I don't very much that I

said that to Shrop.

THE COMMISSIONER: Q. Are you swearing

now that you didn't?

A. Well, there is some --

MR. WILSON: Q. So are you swearing that

you didn't or aren't you?

A. I can't do that, Mr. Wilson.

Q. What do you want to do?

A. I may have said some of those things

and some of them I may not have said. That is



1 eight years ago. I can't swear to that. I am  
2 saying I don't think I said all those things  
3 in that paragraph.

4 Q. Well, it is just the part that  
5 I read that we are concerned with.

6 A. Well, correct me if I am wrong ---

7 Q. Shall we leave it with your  
8 standard answer, "I can't swear that I did  
9 and I can't swear that I didn't"? Will we  
10 get any further by going on and discussing  
11 it further?

12 A. I would swear that I didn't  
13 say, "They are running all right at present  
14 and are making money. The instructions passed  
15 to us is to leave them alone --- "

16 Q. You deny you said that?

17 A. Yes, sir.

18 Q. All right, read on the rest of  
19 it and tell us whether you are denying or  
20 affirming what appears after that.

21 A. Incidentally, I should have  
22 included the balance of that sentence, " . . . no  
23 harm is being done." I may have said that  
24 "The Fort Erie Club is changing location and  
25 he was in --- " I don't know whether I  
26 would have said that. Was Shrubbs in Fort  
27 Erie that day? Is that what that means?

28 Q. He is recording what he says  
29 you told him.

30 A. Oh, I see. The balance I



eight years ago. I can't swear to that. I am

saying I don't think I said anything

in that paragraph.

Q. Well, it is just the part that

I read that we are concerned with.

A. Well, correct me if I am wrong ---

Q. Shall we leave it with you

standard answer, "I can't swear that I did

and I can't swear that I didn't"? Will we

see any further by going on and discussing

it further?

A. I would swear that I didn't

say, "They are running all right at present

and are making money. The instructions passed

to us is to leave them alone --- "

Q. You deny you said that?

A. Yes, sir.

Q. All right, read on the rest of

it and tell us whether you are denying or

admitting what appears after that.

A. Incidentally, I should have

included the balance of that sentence, " . . . no

name is being done." I may have said that

"The Fort White Club is changing location and

he was in --- " I don't know whether I

would have said that. Was I in Fort

Fort that day? Is that what you mean?

Q. He is recording what he says

you told him.

A. Oh, I see. The balance I





1 couldn't swear to or swear against.

2 Q. In other words, you can't swear  
3 for or against the words, "He was in Fort  
4 Erie", being yourself, "the day previous and  
5 not at Huntsville as he had previously  
6 stated"?

7 A. That is right, sir.

8 Q. Now, if Herman says that in  
9 connection with these charters in July, the  
10 provincial charter in July, 1957, that you  
11 acted as a go-between at the Bertie Township  
12 club, would you say that was correct?

13 A. Well, what would -- when he says  
14 go-between, I don't know what Mr. Herman  
15 may have defined. What was his definition  
16 of that? I wasn't here at the time, sir.

17 Q. Let us take a simple definition  
18 of go-between, that you were speaking on  
19 their behalf, you and McDermott, in connection  
20 with these discussions?

21 A. That may very well have been  
22 so, sir.

23 Q. Now, after the charter, the  
24 provincial charter, was granted to the  
25 Frontier Veterans Association, what interest  
26 if any did you and McDermott or either of  
27 you have in the operation of that club  
28 from July, 1957, on until the time it  
29 ceased to operate or at any time during  
30 that period?



Q. In other words, you said there

for on about the words, "He was in front

rite", being yourself, "the day previous and

not at Haverhill as he had previously

acted?"

A. That is right, sir.

Q. Now, at Haverhill says that in

connection with these characters in July, the

connection with the July, 1934, was

acted as a go-between at the North Township

club, would you say that was correct?

A. Well, what would -- when he says

go-between, I don't know what Mr. Herman

may have defined. What was his definition

of that? I wasn't here at the time, sir.

Q. Let us take a simple definition

of go-between, that you were speaking on

their behalf, you and Herbert, in connection

with some character?

A. That may very well have been

yes, sir.

Q. Now, after the charter, the

provisional charter, was granted to the

provisional charter, was granted to the

at any time you and Herbert or either of

you have in the operation of that club

from July, 1934, on until the time it

ceased to operate or at any time during

that period





1 A. This is at Cooksville, sir?

2 Q. We are still talking about Bertie.

3 A. Oh, the Frontier Club?

4 Q. Yes.

5 A. In Bertie Township -- no interest  
6 other than being there on a few occasions.

7 Q. You deny that you had any  
8 interest of any kind, directly or indirectly,  
9 in the operations of the Frontier Club in  
10 Bertie Township from July 5th, 1957, on.  
11 Is that right?

12 A. In the operations?

13 Q. Do you want a definition of  
14 operations?

15 A. Yes, I would like your definition  
16 of that.

17 Q. Something like for your purpose,  
18 the kind of definition you had of the  
19 operations you had at Cooksville. You know,  
20 with people playing ---

21 A. Dice? Is that what you mean?

22 Q. Yes, and somebody providing  
23 money and the dealers and the look-outs and  
24 so on?

25 A. Yes, I deny that.

26 Q. You deny you had any interest in  
27 game of the type that was carried on there?

28 A. Yes, sir.

29 Q. Or do you deny you had any  
30 interest in any other type of gambling game





A. This is at Cooksville, isn't it?

Q. Yes, it is.

A. Yes, it is.

Q. Yes.

A. In Bertie Township -- no interest

other than being there on a few occasions.

Q. You deny that you had any

interest of any kind, directly or indirectly,

in the operations of the Frontier Club in

Bertie Township from July 2nd, 1937, on.

Is that right?

A. In the operations.

Q. Do you want a definition of

operations?

A. Yes, I would like some definition.

Q. That.

Q. Something like for your purpose,

the kind of definition you had of the

operations you had at Cooksville. You know,

that, don't you?

A. Direct -- is that what you mean?

Q. Yes, and somebody providing

money and the dealers and the look-overs and

so on?

A. Yes, I deny that.

Q. You deny you had any interest in

any of the type that was carried on there?

A. Yes, sir.

Q. Or do you deny you had any

interest in any other type of gambling game?



1 carried on there?

2 A. At the Frontier Club?

3 Q. Yes.

4 A. Yes, I deny that.

5 Q. To your knowledge, did McDermott  
6 have any interest at all in that operation?

7 A. Not to my knowledge, sir.

8 Q. Did you provide any protection  
9 for the Frontier Veterans Association  
10 operation in Bertie Township?

11 A. There again I would have to get  
12 your definition of what protection is?

13 Q. Assurance that there would be no  
14 police raids without prior notice to those  
15 who were carrying on the game.

16 A. None whatsoever. At no time in  
17 my life did I ever give anybody that kind of  
18 protection.

19 Q. You are denying, as to any club  
20 or any premises in which you were concerned  
21 or interested in any gambling, that you --  
22 or any other person's operations -- that  
23 you never afforded protection in the sense  
24 that we are talking about?

25 A. Mr. Wilson, you will have to  
26 take one question at a time with me. That  
27 is a long question.

28 Q. All right, I will make it simpler.  
29 Are you denying that you ever in any way made  
30 any arrangements to give tip-offs to any



Exhibit 100-10009

A. At the Frontier Club?

Q. Yes.

A. Yes, I was there.

Q. To your knowledge, did McDaniel

have any interest at all in that operation?

A. Not to my knowledge, sir.

Q. Did you provide any protection

for the operation in that territory?

operation in that territory?

A. There again I would have to get

your definition of what protection is?

Q. Assurances that there would be no

other persons who would be

who were carrying on the same.

A. None whatsoever. At no time in

my life did I ever give anybody that kind of

protection.

Q. You are denying, as to any club

or any premises in which you were concerned

or interested in any gambling, that you --

or any other person's operations -- that

you never afforded protection in the same

that we are talking about?

A. Mr. Wilson, you will have to

ask me questions as to the club.

is a long question.

Q. All right, I will make it simpler.

Are you denying that you ever in any way made

any arrangements to give up-oh to any





1 gambling establishment in Ontario in the years  
2 1954 to 1960? That is tip-offs of any  
3 impending police raids?

4 A. I had no arrangements with anybody  
5 to give anybody any tip-offs, sir.

6 Q. Well, let us go back to 1954  
7 into the year of Cronin. Did you know  
8 Cronin?

9 A. I know John Cronin, yes, sir.

10 Q. Let's go back to 1948. From  
11 that time on, did you ever receive money  
12 for providing protection or warning against  
13 police raids?

14 A. Did I hear you correctly? Money?

15 Q. Well, money or the equivalent  
16 of money?

17 A. From who, sir?

18 Q. From anybody?

19 A. For providing ---

20 Q. Police protection to these clubs  
21 or these gambling establishments?

22 A. Never in my life did I receive  
23 money for protection from anybody for any  
24 tip-offs of any nature.

25 Q. Did you ever pay anybody from  
26 1948 to the present time, whether it be  
27 policemen or any other persons, any money  
28 or anything the equivalent for money for  
29 advice about possible police raids on any  
30 gambling establishments in Ontario?



gambling establishment in Ontario in the years

1948 to 1950? That in 1948 or any

other year?

A. I had no arrangements with anyone

to give anybody any tip-offs, etc.

Q. Well, let us go back to 1948

into the year of Cronin. Did you know

Cronin?

A. I don't know him, yes, sir.

Q. Let's go back to 1948. From

that time on, did you ever receive money

for providing protection or warning against

retaliation?

A. Yes, I have received money

for that, yes, sir.

Q. Money?

A. From who, sir?

Q. From whom?

A. From various people.

Q. Police protection for these clubs

or some gambling establishment?

A. Yes, in 1948 and 1949.

Q. Money for protection from anybody for any

tip-offs of any nature.

Q. Did you ever pay anybody from

1948 to the present time, whether it be

police or any other person, any money

or anything the equivalent for money for

any other purpose?

gambling establishments in Ontario?





1 A. I never gave a policeman five cents  
2 in my life.

3 Q. Just answer my question. Did you  
4 ever ---

5 A. Isn't that what you asked me?

6 THE COMMISSIONER: No, he didn't ask you  
7 if you gave five cents. He asked you if you  
8 gave any money at any time to any policeman.

9 A. I have never given any policeman  
10 five cents or any other money for any police  
11 protection in my whole life, or any politician,  
12 or otherwise.

13 MR. WILSON: Q. Or any other person?  
14 Let's not say policeman and politician.

15 A. I have never paid five cents  
16 or from there up for any protection of any  
17 sort that you are describing. If I under-  
18 stand you correctly, you are asking me if I  
19 paid for police protection or tip-offs?

20 Q. Yes.

21 A. I have never paid as much as  
22 five cents to any policeman, any politician,  
23 or any one else, for any tip-offs of  
24 impending raids or any other information.

25 Q. Did you ever receive any money  
26 or the equivalent of money, whether it be  
27 in the form of wages or some other form of  
28 consideration, for the purpose of assuring  
29 them that they would be protected? That  
30 is during the same period?





A. I never gave a policeman five cents

in my life.

Q. Just answer my question. Did you

A. I don't think you asked me?

THE COMMISSIONER: No, he didn't ask you

if you gave five cents. He asked you if you

gave any money at any time to any policeman.

A. I have never given any policeman

five cents or any other money for any police

protection in any way, for any policeman,

or otherwise.

Q. All right, did you ever

let's not say policeman and politician.

A. I have never paid five cents

or from there up for any protection of any

sort that you are describing. If I under-

stand you correctly, you are asking me if I

paid for police protection on tip-offs?

Q. Yes.

A. I have never paid as much as

five cents to any policeman, any politician,

or any one else, for any tip-off or

protection of any kind.

Q. Did you ever receive any money

or the equivalent of money, whether it be

in the form of wages or some other form of

consideration, for the purpose of securing

such that they would be protected? That

is during the same period?



1 A. Who are "they"?

2 Q. Any gambling establishment in  
3 Ontario, whether it is yours or any others?

4 A. No, sir.

5 Q. Are you prepared to extend those  
6 answers you have just made as to payments by  
7 you or payments to you in regard to  
8 protection to your betting establishments?

9 A. Which?

10 Q. To your betting establishments,  
11 your books, your front ends and back ends,  
12 and so on?

13 A. I think you asked me before if  
14 I ever paid a policeman for any protection.

15 Q. Now, let me understand this.  
16 In the answers you have just given when we  
17 talked of gambling establishments, do you  
18 include both gambling establishments where  
19 there is a bankgame, a common gaming house?  
20 You also include betting?

21 THE COMMISSIONER: Bookmaking.

22 MR. WILSON: Q. Bookmaking?

23 A. Well, I think in answer to your  
24 questions with regard to paying anybody  
25 protection, I think I probably took that  
26 for granted and covered that area.

27 Q. So you are covering both bookmaking  
28 and gambling?

29 A. Yes, sir.

30 Q. In the form of games?



A. Who are "they"?

Q. Any gambling establishment in

Ontario, whether it is yours or any other's?

A. No, sir.

Q. Are you prepared to extend those

answers you have just made as to payments by

you or payments to you in regard to

protection in your betting establishment?

A. Which?

Q. To your betting establishments,

your place, your first place and your wife's,

and so on?

A. I think you asked me before if

I ever paid a policeman for any protection.

Q. Now, let me understand this.

In the answers you have just given when we

asked of gambling establishments, do you

include both gambling establishments where

there is a backroom, a common gaming house?

You also include betting?

A. Gambling, betting.

Q. Now, I understand.

A. Well, I think in answer to your

questions with regard to paying anybody

protection, I think I probably took that

for granted and covered that area.

Q. So you are covering both bookmaking

and gambling?

A. Yes, sir.

Q. In the form of games?





1 A. Yes, sir.

2 THE COMMISSIONER: Do you want to go on  
3 to paragraph B of that report at page 2,  
4 Exhibit 113?

5 MR. WILSON: Yes. I have a copy here.

6 Q. Now, in Exhibit 112 or 113 --  
7 it doesn't matter -- on that same date,  
8 August 31st, 1956, Shrubbs reports you as  
9 having said this; paragraph B on page 2:

10 "J.F. CRONIN. Cronin got to taking  
11 "money from every gambler throughout  
12 "the province. He got enough money  
13 "saved up and then he became  
14 "careless. He had been taken aside  
15 "a couple of times and cautioned  
16 "about his playing the field and  
17 "to play only with them and he  
18 "would be better off in the long  
19 "run. The observations held by  
20 "Cronin and myself at the Windsor  
21 "club. Feeley also was aware of  
22 "THE CONFIDENTIAL REPORT TO THE  
23 "COMMISSIONER, which had been sub-  
24 "mitted by myself, with respect to  
25 "Cronin."

26 THE COMMISSIONER: Take that a bit at a  
27 time.

28 MR. WILSON: Possibly if we give the  
29 witness the copy so he can follow it.

30 Q. First of all, did you tell Shrubbs

THE CONTRIBUTION: DO YOU WANT TO BE ON

to paragraph 11 of that report at page 5.

4-2000-0772, 8-00001-2, 4-942-1000000, 00

— ALL TO ALL CLOTHES IN WORK .9

8. *Journal of the American Statistical Association*, 87, 1992, 1033-1041.

1990-1991, 1991-1992, 1992-1993, 1993-1994, 1994-1995

Revised and dated 1954

"J. F. O'NEILL. Captain 2nd Co. 1st Regt. N.Y. Cavalry."

"Money from every dollar spent"

the province. He got a lot of money.

benefits has sent to almost a

"about his playing the field and





1 on that occasion or any other occasion that Cronin  
2 got to taking money from every gambler throughout  
3 the province?

4 A. No, I didn't.

5 Q. You swear you did not make that  
6 statement?

7 A. Shrubbs made that statement to me.

8 Q. What?

9 A. Shrubbs said that to me, that  
10 Cronin got to taking money from every gambler  
11 in Ontario.

12 Q. You say he made that statement  
13 to you, but you swear you did not make that  
14 statement to him?

15 A. Yes, sir.

16 Q. Then to go on, and it says, "He --- "  
17 which would be Cronin -- " --- got enough money  
18 saved up and then he became careless." Did  
19 you make that statement to him on that  
20 occasion or any other occasion?

21 A. No, sir. That is what Shrubbs told  
22 me.

23 Q. Then it goes on:

24 "He --- "

25 Being Cronin --

26 " --- had been taken aside a couple

27 "of times and cautioned about his

28 "playing the field and to play only

29 "with them --- "

30 THE COMMISSIONER: Stop there. Ask him





on that occasion or any other occasion that Groat  
 got to taking money from every gambler throughout  
 the province?

A. Yes, I think.

Q. You swear you did not make that

statement?

A. Groat made that statement to me.

Q. What?

A. Groat said that to me, that

Groat got to taking money from every gambler

in Ontario.

Q. You say he made that statement

to you, but you swear you did not make that

statement to him?

A. Yes, sir.

Q. Then to go on, and it says, "He ---"

which would be Groat -- " -- got enough money

saved up and then he became careless." Did

you make that statement to him on that

occasion or any other occasion?

A. No, sir. That is what Groat told

Q. Then it goes on:

" --- had been taken aside a couple

" of times and cautioned about his

" playing the field and to play only

" with them --- "

THE COMMISSIONER: Stop there. Ask him



1 about that much.

2 MR. WILSON: Q. All right. Did you make  
3 that statement to Shrubb on that occasion or  
4 any other occasion?

5 A. Well, sir, as I see by this report,  
6 it was back in 1956.

7 Q. Never mind when it was. We  
8 have already got the date.

9 A. I would like to clarify something  
10 that that is six or seven years ago. I don't  
11 know the wording of this wording. I can't  
12 possibly swear to this wording. I don't  
13 know if that is what you want me to do  
14 taking it by sentence. I can't possibly  
15 swear to that. The text of this paragraph  
16 here was Shrubb's suggestion to me about  
17 Cronin. That much I can swear to.

18 Q. Take that last few words I read  
19 to you. Will you swear you didn't say that  
20 to Shrubb on that occasion or any other  
21 occasion?

22 A. I just missed you, sir. Which  
23 sentence?

24 Q. I just read to you the words:

25 "He had been taken aside and a couple

26 "of times and cautioned about his

27 "playing the field."

28 Do you swear that you didn't say that to Shrubb?

29 A. There again, Mr. Wilson, I swear  
30 that this paragraph and its contents were



Q. All right. Did you make

any other occasion?

A. Well, sir, as I see by this report,

issued in 1947.

have already got the date.

that that is six or seven years ago. I don't

know the wording of this wording. I can't

possibly swear to this wording. I don't

know if that is what you want me to do

taking it by sentence. I can't possibly

swear to that. The text of this paragraph

reads: "I am not sure that I can swear to

Q. Take that last few words I read

to you. Will you swear you didn't say that

to Grubb on that occasion or any other

occasion?

A. I just missed you, sir. Which

Q. I just read to you the words:

He had been taken aside and a couple

"of times and cautioned about his

"playing the field."

do you swear that you didn't say that to Grubb?

A. There again, Mr. Wilson, I swear

that this paragraph and its contents were





AA/5

1 Shrubbs's words. I can't swear that every word  
2 in there was every word that came out of  
3 Shrubbs's mouth but I do swear that the  
4 general text of that paragraph with respect  
5 to Cronin taking money from every gambler  
6 was Shrubbs's idea, and he conveyed that idea  
7 to me. I don't swear that it was conveyed  
8 in these identical words, because I couldn't  
9 possibly remember that far back. But  
10 Shrubbs told me that when he lived in  
11 Chatham that he knew then before he came  
12 to Toronto, that it was his information  
13 from some gambler by the name of Bannion in  
14 Windsor that Jack -- John Cronin was taking  
15 money from gamblers.

16 Q. Is that long explanation a  
17 denial of what I just read to you?

18 THE COMMISSIONER: Well, Mr. Wilson,  
19 hasn't he sufficiently ---

20 MR. WILSON: I think so.

21 Q. Let's carry on with the next  
22 few words which go on to say:

23 " . . . and to play only with them

24 "and he would be better off in the

25 "long run."

26 "Them" obviously refers to McDermott and  
27 yourself. Do you deny that you said that?

28 A. " . . . to play with them and

29 "he would be better off in the

30 "long run"?



...I can't swear that every word

in there was every word that came out of

...I do swear that the

...to

to

was

to me. I don't swear that it was conveyed

in these identical words, because I couldn't

possibly remember just the back. But

...

...

to Toronto, that it was his information

from some handler by the name of Brandon in

Windsor that Jack -- John Gordon was taking

...

...

denial of what I just read to you?

...

...

Mr. Wilson: I think so.

Let's carry on with the next

few words which go on to say:

"... and to play only with them

"and he would be better off in the

...

...

yourself. Do you deny that you said that?

"... to play with them and

"he would be better off in the

"..."





1 Q. Take "them" as meaning McDermott  
2 and yourself?

3 A. Yes, sir, I deny that.

4 Q. While you were making answers to  
5 questions of the payments of money to police  
6 or to any other persons for the purpose of  
7 protection, I take it this is quite aside  
8 from any court decision that might have been  
9 made and which at the moment is under appeal?  
10 I don't want ---

11 THE COMMISSIONER: I don't understand  
12 your question.

13 THE WITNESS: I don't understand either.

14 MR. WILSON: Well, I won't press it.  
15 It is a question of what that answer means in  
16 the light of what has taken place.

17 Q. Now, what do you know about the  
18 Ramsay Club which operated at 1693 Victoria  
19 Avenue, Niagara Falls, from May, 1958, to  
20 August, 1958?

21 A. I know where that address is  
22 in Niagara Falls. I have been in there on a  
23 few occasions, sir.

24 Q. Did you have any interest in  
25 that club during that period in any way, or  
26 operations that were carried on on those  
27 premises?

28 A. We are again referring, I take it,  
29 to the same type of operation as ---

30 Q. Gambling operations?





Q. "There" as meaning Montreal?

and yourself?

A. Yes, sir, I deny that.

Q. While you were making answers to

questions of the payment of money to police

or to any other person, did you know

protection, I take it this is quite aside

from any court decision that might have been

made and which is dependent on under appeal?

I don't want ---

THE COURT: I shall interrupt

your question.

THE WITNESS: I don't understand either.

MR. NELSON: Well, I won't press it.

It is a question of what that answer means in

the light of what has taken place.

Q. Now, what do you know about the

Hamway Club which operated at 1035 Victoria

Avenue, Niagara Falls, from May, 1935, to

August, 1935?

A. I know where that address is

in Niagara Falls. I have been in there on a

few occasions, sir.

Q. Did you have any interest in

that club during that period in any way, or

operations that were carried on on these

premises?

A. We are again referring, I take it,

to the same type of operation as ---

Q. Gambling operation?



A. No, sir, none whatsoever.

(Page 10020 follows)







BB/1/FAL

1 MR. WILSON: Q. Now, we have --

2 I want Exhibit 17, too.

3 Q. Who would you say the Ramsay Club  
4 in that period was in competition with? I  
5 mean, what competition did it have insofar  
6 as other gambling establishments were concerned?

7 THE COMMISSIONER: In that area?

8 MR. WILSON: Q. In that area.

9 A. That would be very difficult to  
10 say, sir. I don't know how many games there  
11 would be operating in and around that area.

12 Q. Well, the Frontier Club, as  
13 my recollection serves me, was put out of  
14 business around about May of 1958. That, we  
15 know, is another club that had been operating  
16 in that area.

17 A. This is the Frontier?

18 Q. Yes.

19 A. That may have been so, I wouldn't  
20 know the date, sir.

21 Q. But you do know that they --  
22 after they were put out of business the Ramsay  
23 Club was operating in Niagara Falls in 1958?

24 A. I know that the Ramsay Club  
25 was operating in Niagara Falls in 1958, yes,  
26 sir.

27 Q. What would be your interest or  
28 concern about the Ramsay Club at that time?

29 A. Well, to take one question at  
30 a time. My interest -- I had no interest in

1 a time. My interest -- I had no interest in

2 A. Well, to take one question at

3 concern about the Ramsay Club at that time?

4 Q. What would be your interest on

5

6 was operating in Niagara Falls in 1926, yes.

7 A. I know that the Ramsay Club

8 Club was operating in Niagara Falls in 1926?

9 after they were put out of business the Ramsay

10 Q. But you do know that they --

11 know the date, sir.

12 A. They have been so, I wouldn't

13 Q. Yes.

14 A. This is the question?

15 in that area.

16 know, the another club that had been operating

17 business around about May of 1928. That, we

18 my recollection serves me, was put out of

19 Q. Well, the Frontier Club, as

20 would be operating in and around that area.

21 say, sir. I don't know how many games there

22 A. That would be very difficult to

23 MR. WILSON: Q. In that area.

24 THE COURT: Is that all?

25 as other gambling establishments were concerned?

26 mean, what competition did it have in that

27 in that period was in competition with? I

28 Q. Who would you say the Ramsay Club

29 I say nothing in, sir.

30 MR. WILSON: Q. Now, we have --





1 the Ramsay Club. And this other question  
2 you asked me, what was my concern, I don't  
3 know.

4 Q. Were you concerned about having  
5 it put out of business?

6 A. Not particularly.

7 Q. Well, did you take any steps to  
8 assist the process of having it put out of  
9 business?

10 A. I didn't consider -- I didn't  
11 consider -- what I was doing -- any steps along  
12 those lines, sir.

13 THE COMMISSIONER: Q. What were you  
14 doing?

15 MR. WILSON: Q. What did you do?

16 A. Are you referring to a conversation  
17 I had with Mr. Shrubbs?

18 THE COMMISSIONER: Q. No; at least, I am  
19 not.

20 MR. WILSON: Q. I am asking you what  
21 steps you took "along those lines"?

22 A. I took no steps to have it put  
23 out of business, as far as I am concerned.

24 THE COMMISSIONER: Mr. Reporter, would  
25 you just read back about three questions.  
26 "I didn't consider" is the way the sentence  
27 starts.

28 THE REPORTER: "Q. Well, did you

29 "take any steps to assist the

30 "process of having it put out of business?





the heavy climb. And this other question  
 you asked me, what was my concern, I don't  
 know.

Q. What was your concern about that?  
 A. It put me out of business?

A. Not particularly.  
 Q. Well, did you have any steps to

assist the process of having it put out of  
 business?

A. I didn't consider -- I didn't  
 consider -- what I was doing -- any steps along  
 those lines, sir.

THE COMMISSIONER: Q. What were you  
 doing?

MR. WILSON: Q. What did you do?  
 A. Are you referring to a conversation  
 I had with Mr. [redacted]?

THE COMMISSIONER: Q. No; at least, I am  
 not.

MR. WILSON: Q. I am asking you what  
 steps you were taking along those lines?

A. I took no steps to have it put  
 out of business, as far as I am concerned.

THE COMMISSIONER: Mr. Reporter, would  
 you just read back about three questions.  
 "I didn't consider" is the way the sentence  
 started.

THE REPORTER: "Q. Well, did you

"take any steps to assist the  
 process of having it put out of business?"



1 "A. I didn't consider -- I  
2 "didn't consider -- what I was  
3 "doing -- any steps along  
4 "those lines, sir."

5 THE COMMISSIONER: Thank you.

6 Q. Now, what were the matters that  
7 you were doing that you referred to in that  
8 answer?

9 A. A telephone conversation I had  
10 with Corporal Shrubb. That is what I was  
11 referring to in that answer, sir.

12 Does that answer your question?

13 Q. That is an answer you gave me.  
14 Did you discuss with Shrubb in these telephone  
15 conversations, or any of them, the operations  
16 of the Ramsay Club at 1693 Victoria Avenue?

17 A. I discussed with Shrubb the  
18 operation of the Ramsay Club. I don't know  
19 that I discussed any street address, the way  
20 you put it, sir; I don't recall that.

21 Q. You did discuss the Ramsay Club  
22 with him?

23 A. Yes.

24 Q. What did you say to him about it?

25 A. Oh, I think I discussed it with  
26 Mr. Shrubb on two or three occasions.

27 Q. What did you say to him about it?

28 A. Well, I couldn't possibly tell  
29 you all I said to him.

30 Q. Tell us something of what you said



Q. I didn't consider -- what I was

"those lines, sir."

Q. Now, what were the matters that

you were doing that you returned to in that

A. A telephone conversation I had

with Corporal Shupp. That is what I was

referring to in that answer, sir.

Does that answer your question?

Q. That is an answer you gave me.

Did you discuss with Shupp in these telephone

conversations, or any of them, the operations

of the Ramsey Club at 1933 Victoria Avenue?

A. I discussed with Shupp the

operation of the Ramsey Club. I don't know

that I discussed any street address, the way

you put it, sir; I don't recall that.

Q. You did discuss the Ramsey Club

with him?

A. Yes.

Q. What did you say to him about it?

A. I don't recall it.

Mr. Shupp on two or three occasions.

Q. What did you say to him about it?

A. Well, I couldn't possibly tell

you all I said to him.

Q. Tell us something of what you said





1 to him.

2 A. I will try to assist you as best  
3 I can.

4 Q. Thank you, very much.

5 A. It was, generally speaking, --  
6 It was -- My conversation, and I worked from  
7 notes when I spoke to Mr. Shrubb, was that I  
8 would be reading off notes. It was the general  
9 trend of how to put a gaming house out of  
10 business.

11 Q. Yes. All right. Thank you very  
12 much for that much. What else did you say  
13 to him?

14 A. Well, there, again, sir, I would  
15 only be guessing about it because when I spoke  
16 to Shrubb I was reading from paper and I  
17 couldn't swear to what was exactly the conte\_xt --  
18 the full context of that.

19 Q. You could not be expected to  
20 remember every detail.

21 A. No.

22 Q. But, you were talking to him  
23 about the Ramsay Club, were you, witness?

24 A. Yes, sir.

25 Q. And while discussing with him the  
26 Ramsay Club you had this paper in front of you  
27 from which you were reading, you say?

28 A. That is correct.

29 Q. And you read from that paper the  
30 way to put a club out of business?



to him.

A. I will try to assist you as best

I can.

A. I am not sure.

A. It was, generally speaking, --

It was -- my conversation, and I worked from

notes when I spoke to Mr. Shupp, was that I

would be reading off notes. It was the general

trend of how to put a general house out of

business.

Q. Yes. All right. Thank you very

much for your answer. Now the first one

is that

A. Well, there, again, sir, I would

only be guessing about it because when I spoke

to Shupp I was reading from paper and I

couldn't swear to what was exactly the content --

the first one -- that.

Q. You could not be expected to

remember every detail.

A. No.

Q. But, you were talking to him

about the money thing, was that right?

A. Yes, sir.

Q. And while discussing with him the

money thing you had this paper in front of you

from which you were reading, you say?

A. That is correct.

Q. And you read from that paper the

way to put a card out of business?





1 A. Generally speaking.

2 Q. Generally speaking.

3 A. Yes, that would be the context  
4 of the paper I read from.

5 Q. All right. Now, was that with  
6 the intention he should apply that method to  
7 the Ramsay Club?

8 A. No, sir.

9 Q. Then, why were you telling Shrubb  
10 how to put a club out of business, you, a  
11 gambler, of all people, telling a policeman  
12 how to put a gambling club out of business?  
13 It seems ridiculous. Why would you be doing  
14 that?

15 A. Well, my intentions, sir, was not  
16 to put a club out of business but my intention  
17 was to find out if it was a fact, the common  
18 gossip that I had heard, that this brief had,  
19 in fact, been sent in to Shrubb and the  
20 Ontario Provincial Police gambling squad long  
21 before this, to in fact try and put the Ramsay  
22 Club out of business.

23 Q. This is the first time you have  
24 mentioned this brief. We will come to that  
25 in due course. But, you were talking to  
26 Shrubb. You had a paper in front of you.  
27 So you have just sworn? Had you written  
28 down on the paper how this should be done?

29 A. Oh, no, sir.

30 Q. Who did that?





A. Generally speaking.

Q. Really?

A. Yes, that would be the context

of the paper I read from.

Q. All right. Now, was that with

the intention to make any money out of

the business?

A. No, sir.

Q. Then, you were not selling anything

how to put a club out of business, you, a

sample, of all people, selling a policeman

how to put a gambling club out of business?

It seems ridiculous. Why would you be doing

that?

A. Well, my intention, sir, was not

to put a club out of business but my intention

was to find out if it was a fact, the common

gossip that I had heard, that this bribe had,

in fact, been sent in to Shupp and the

business to which I was going to send him

before this, to in fact try and put the Ramsey

club out of business.

Q. This is the first time you have

mentioned this bribe. We will come to that

in due course. But, you were talking to

Shupp. You had a paper in front of you.

So you have just sworn? Had you written

down on the paper how this should be done?

A. Oh, no, sir.

Q. Who did that?



1 A. I got this paper from Ginsey.

2 Q. Ginsey?

3 A. Yes, sir.

4 Q. When?

5 A. Well, some time prior to talking  
6 to Shrubb.

7 Q. Long prior to that?

8 A. No, I wouldn't think so, sir.

9 Q. A matter of a few days?

10 A. Maybe a few days; maybe a few  
11 weeks.

12 Q. I see. Why was Ginsey giving  
13 it to you? Ginsey is a gambler like yourself.  
14 Why would he be conveying to you information  
15 that, I suppose, you already knew?

16 A. Well, the reason Ginsey explained  
17 it to me and gave me this information on  
18 the paper was he knew, naturally, that I would  
19 be concerned because, having an interest in  
20 the club at Cooksville, if in fact this brief,  
21 according to Ginsey, had already been sent  
22 in to the Ontario Provincial Police and if  
23 in fact the police had been successful with  
24 the Ramsay Club then he knew why I certainly  
25 would be concerned, from the point of view  
26 of having an interest in another club.

27 Q. Let me understand you: Was this  
28 paper from which you were reading supposed  
29 to be a copy of the brief that had been sent  
30 to the Provincial Police?



1891

1. A

1900

2. February 21st to March 1st 1940

Summit, Illinois, Nov. 20, 1900. I have





1 A. Well, my recollection of Ginsey  
2 telling me -- he gave me a copy. I recall  
3 getting a copy, or some paper, one or two, I  
4 have just forgotten now whether it was one or  
5 two sheets.

6 Q. Yes?

7 A. And, then, it seems to me Ginsey  
8 explained to me that this was -- when he  
9 would give me this first one I am referring to  
10 now, told me that this was part of a brief  
11 or manuscript, I forget the word he used now,  
12 that had already been sent in.

13 Q. Yes. In relation to what club?

14 A. In relation to the Ramsay Club.

15 Q. In relation to the Ramsay Club.

16 So, then, when you are talking to Shrubbs  
17 you knew the document from which you were  
18 reading had been prepared with relation to  
19 the Ramsay Club?

20 A. I just wasn't listening intently  
21 enough, would you repeat that question?

22 Q. Would you listen intently?

23 A. Yes.

24 Q. You knew when you were reading  
25 from the paper in front of you which described  
26 the method to be adopted in successfully raiding  
27 a club applied to the Ramsay Club. Ginsey  
28 told you that?

29 A. Ginsey told me and I would be --

30 Q. Pardon?



A. Well, my recollection of Gineasy

telling me -- he gave me a copy. I recall

getting a copy, or some papers, one or two, I

have just forgotten now whether it was one or

two sheets.

Q. Yes?

A. And, then, it seems to me Gineasy

explained to me that this was --

would give me this first one I am referring to

now, told me that this was part of a letter

or manuscript, I forgot the word he used now,

that had already been sent in.

Q. Yes, in relation to what club?

A. In relation to the Ramsey Club.

Q. In relation to the Ramsey Club.

So, then, when you are talking to Bruno

you have the Ramsey Club which you were

reading had been prepared with relation to

the Ramsey Club.

A. I just recall that the Ramsey Club

was, with me, the Ramsey Club.

Q. Would you listen intently?

A. Yes.

Q. You knew when you were reading

from the paper in front of you which document

the method to be adopted in successfully reading

a club applied to the Ramsey Club. Gineasy

the Ramsey Club.

A. Gineasy told me and I would be --

Q. Perhaps?





BB/2

1 A. Yes.

2 Q. So far that is good. What  
3 would be your interest in reading that to  
4 Shrubb?

5 A. My only interest, sir, was to find  
6 out -- I thought Shrubb would tell me if, in  
7 fact, he had already had the information,  
8 because Ginsey had told me that this information  
9 had already been sent in. So, I wanted to  
10 find out and I thought Shrubb would tell me  
11 if, in fact, he had received this information.

12 Q. I see. Did Ginsey tell you  
13 he had sent it in?

14 A. No, sir, not in -- not in --  
15 not as far as any individual person. He told  
16 me that he had heard that this brief had  
17 been sent in by a lawyer and a couple of  
18 business men. That is the way he described  
19 it to me.

20 Q. Did he name the lawyer?

21 A. No, sir. I don't recall.

22 Q. He would not do anything like  
23 that. Did he name the business men?

24 A. No, sir, I don't recall him  
25 naming -- .

26 Q. You did not ask him?

27 A. I don't believe I did, sir.

28 Q. Then, you said something to the  
29 effect that he gave you this so that you  
30 would appreciate how that method could be applied





Q. So far that is good. What

would be your interest in reading that to

A. My only interest, sir, was to find

out -- I thought Shripd would tell me it, in

fact, he had already had the information,

because Ginney had told me that this information

had already been sent in. No, I wanted to

find out and I thought Shripd would tell me

it, so that, as far as I was concerned, this information

Q. I see. Did Ginney tell you

as far as that is concerned

A. No, sir, not in -- not in --

not as far as any individual person. He told

me that he had heard that this office had

been sent in by a lawyer and a couple of

business men. That is the way he described

it to me.

Q. Did he name the lawyer?

A. No, sir, I don't recall him.

Q. He would not do anything like

that. Did he name the business men?

A. No, sir, I don't recall him.

Q. You did not ask him?

A. I don't believe I did, sir.

Q. Then, you said something to the

effect that he gave you this as that you

would appreciate how that method could be applied



1 to the Centre Road Club. If it could be applied  
2 to the Ramsay Club it could be applied to  
3 the Centre Road Club?

4 A. I don't think I said that, sir.  
5 I said that Ginsey gave it to me because he  
6 would know -- naturally I would be interested  
7 in anything like that that was being forwarded  
8 to the police.

9 Q. Because of your interest in  
10 the Centre Road Club?

11 A. That is right, sir.

12 Q. So, you were reading all this  
13 to Shrubbs, hoping Shrubbs, if he already knew  
14 about it, would tell you so?

15 A. That is right, sir.

16 Q. I see. And did he?

17 A. I don't believe he did, sir, no.

18 Q. Are you sure?

19 A. To the best of my knowledge --  
20 I am speaking now on this specific occasion.

21 Q. Yes.

22 A. I don't believe he did, sir.

23 Q. He did not. All right, now.

24 This brief you had in front of you - I call  
25 it a brief, you call it whatever you like.  
26 You called it a manuscript, I believe. Did  
27 it refer specifically to the Ramsay Club?

28 A. I believe the name of the Ramsay  
29 Club was in the -- the papers that I had, yes,  
30 sir.



to the General Board Club. If it could be applied

to the Ramsey Club it could be applied to

the Ramsey Club

A. I don't think I said that, sir.

I said that Ramsey gave it to me because he

would know -- naturally I would be interested

in anything like that that was being forwarded

to the police.

Q. Because of your interest in

the Ramsey Club

A. That is right, sir.

Q. So, you were reading all this

to Strupp, hoping Strupp, if he already knew

about it, would tell you?

A. That is right, sir.

Q. I see. And did not

A. I don't believe he did, sir, no.

Q. The last time

A. To the best of my knowledge --

I am speaking now on this specific occasion.

Q. Yes.

A. I don't believe he did, sir.

Q. He did not. All right, now.

What other you had in front of you -- I call

it a matter, you call it whatever you like.

You called it a memorandum, I believe. Now

it refers specifically to the Ramsey Club?

A. I believe the name of the Ramsey

Club was in the -- the papers that I had, yes.





1 Q. Yes. And you were not interested  
2 in putting the Ramsay Club out of business?

3 A. No, sir.

4 Q. Not a bit. The only reason you  
5 were conveying this information to Shrubbs was  
6 to lead him out, so to speak, and perhaps he  
7 would tell you whether they already had it  
8 or not?

9 A. Whether he had in fact received  
10 this information in the form of documents.

11 Q. Did Ginsey tell you who had  
12 given it -- I do not mean who had prepared it  
13 in the first place, but who, physically, gave  
14 it to the Provincials?

15 A. No. Names, you mean, sir?

16 Q. Yes.

17 A. No. As I recall, and I don't  
18 know if these were exactly Ginsey's words or  
19 not, but as I recall Ginsey explained it to  
20 me that he said it had been sent in or sent  
21 in to the O.P.P.

22 Q. I see. Now, Ginsey is dead?

23 A. Yes, sir.

24 Q. Yes.

25 A. But he was alive when this Royal  
26 Commission started, sir.

27 Q. Oh, yes. He is not the only one  
28 who was alive when this Royal Commission  
29 started who is now dead.

30 A. Well, I had no control over him



Q. And you were not interested

in having the Ramsey Club out of business?

A. No, sir.

Q. Not a bit. The only reason you

were conveying this information to Shinn was

to lead him on, so to speak, and perhaps he

would tell you whether they already had it

or not?

A. Whether he had in fact received

this information in the form of documents.

Q. Did Giney tell you who had

given it -- I do not mean who had prepared it

in the first place, but who, physically, gave

it to the Provosts?

A. No. Names, you mean, sir?

Q. Yes.

A. No. As I recall, and I don't

know if these were exactly Giney's words or

not, but as I recall Giney explained it to

me that he said it had been sent in or sent

in to the G.P.P.

Q. I see. That is all?

A. Yes, sir.

Q. Yes.

A. But he was alive when this Royal

Commission was set up.

Q. Oh, yes. He is not the only one

who was alive when this Royal Commission

started who is now dead.

A. Well, I had no control over him





1 dying, sir.

2 Q. No, of course you did not.

3 All right, Mr. Wilson.

4 MR. WILSON: Q. When we are talking of  
5 Ginsey we are talking of Samuel Hersch?

6 A. Yes.

7 Q. Who died shortly after a trip to  
8 Florida with you this past winter?

9 THE COMMISSIONER: Oh, do not blame him  
10 for that. Ginsey is dead; McLaughlin is  
11 dead and Finnegan is dead.

12 MR. WILSON: I just wanted to make sure  
13 they were still on good terms up to the time  
14 of his demise.

15 A. Pardon, sir?

16 Q. You were good friends, <sup>right</sup> up to the  
17 time he died?

18 A. Well, let's put it this way:  
19 To the time I last seen him -- Yes. Prior  
20 to death.

21 Q. At the time he showed you this  
22 document about the Ramsay Club he was an  
23 employee of yours out at the Centre Road Club?

24 A. Prior?

25 Q. No, at that time, at the time  
26 he showed you this document, he worked for you?

27 A. In what year is this, sir?

28 Q. In 1958.

29 A. I don't know whether that would  
30 be correct or not, sir. It seems to me that





Q. Is correct or not, sir. It seems to me that

A. I don't know whether that would

Q. In 1958.

A. In what year is this, sir?

Q. He showed you this document, he worked for you?

Q. No, at that time, at the time

A. Prior?

Q. Employee of yours and at the Centre Road Club?

Q. Document about the Kennedy Club he was an

Q. At the time he showed you this

Q. To the time I last seen him -- Yes, before

A. Well, let's put it this way:

Q. And he said

Q. You were good friends up to the

A. Tandon, sir?

Q. of his demise.

Q. They were still on good terms up to the time

Q. Mr. Wilson: I am going to ask you

Q. dead and Finnegan is dead.

Q. For that's Finney is dead; McLaughlin is

Q. This comment: Oh, do not blame him

Q. Florida with you this past winter?

Q. Who died shortly after spring to

A. Yes.

Q. Always he was talking to me, always

Q. Mr. Wilson: When we are talking of

Q. All right, Mr. Wilson.

Q. No, of course you did not.

Q. Yes, sir.



1 that wouldn't be.

2 Q. Where do you say he was working,  
3 then, at the time he showed you this document?

4 A. I would say that he was active  
5 in and around the Niagara Falls area. Now, I  
6 don't know what dates and I have got no records  
7 of this, but that seems to me in the back of  
8 my mind that he was out around the Niagara  
9 Falls area.

10 Q. When did he last work for you  
11 at the Centre Road?

12 A. Well, there, again, sir, I don't  
13 have any record of that. I would only be  
14 guessing. It might have been '55; it may have  
15 been '56. He lived in Toronto; he used to  
16 come in and out, and a lot of times on week-  
17 ends or on a night he would come into the club,  
18 but I couldn't swear to any dates on that,  
19 sir.

20 Q. When you first spoke to Corporal  
21 Shrubb about this matter you had this document  
22 before you that you speak of and you read  
23 from it. That is what your evidence is here  
24 today?

25 A. Yes, I read from a document, sir.

26 MR. WILSON: Show the witness Exhibit  
27 17, which is the exhibit we referred to a  
28 few minutes ago, being notes made by Shrubb,  
29 and to which he has testified, of telephone  
30 conversations he had with you.



Q. Where do you say he was working?

A. Then, at the time he showed you this document?

Q. I would say that he was active

in and around the Niagara Falls area. Now, I

don't know what dates and I have got no records

of this, but that seems to me in the back of

my mind that he was out around the Niagara

Falls area.

Q. When did he last work for you

at the Centre Road?

A. Well, I don't know the date.

Q. I would only be

guessing. It might have been '52; it may have

been '50. He lived in Toronto; he used to

come in and out, and a lot of times on week-

ends or on a night he would come into the city,

but I couldn't swear to any dates on that.

Q. When you first spoke to General

Shirley about this matter you had this document

before you that you speak of and you read

from it. That is what your evidence is here

today?

A. Yes, I read from a document, sir.

Q. Now the witness states

it, which is the exhibit we referred to a

few minutes ago, being notes made by Shirley,

and to which he has testified, of telephone

conversations he had with you.





1 Q. Under date of May 28, 1958, which  
2 is on page 3, he says there was a call from  
3 you that lasted from --

4 THE COMMISSIONER: What paragraph?

5 MR. WILSON: It is the first paragraph  
6 on page 3, Mr. Commissioner.

7 THE COMMISSIONER: Of what, Exhibit 17?

8 MR. WILSON: 17, yes.

9 THE COMMISSIONER: Let me see Exhibit 17.

10 THE REGISTRAR: The witness has it, sir.

11 MR. WILSON: It is not the last one we  
12 referred to, before that.

13 Q. The conversation started at 10.45  
14 p.m. and lasted until 11.45 p.m. and there  
15 he makes a record of certain people who he  
16 says you told him were working at the Ramsay  
17 Club. Frank Cabello, boss. Was that one  
18 you read to him?

19 A. Yes, sir. These names would  
20 be read off the sheet of paper I had.

21 Q. In other words, you read to him  
22 the name of the boss and the name --

23 Do you want all these read, Mr. Commissioner?

24 THE COMMISSIONER: You had better take  
25 him through them.

26 MR. WILSON: Q. Danny Sansonese,  
27 stick man. Did you read that one to him?

28 A. Well, there, again, Mr. Wilson,  
29 I can only say -- I don't recall these names.  
30 I don't know these names but if these names were



Q. Under date of May 28, 1936, when

is on page 3, he says there was a call from

you that lasted from --

THE COMMISSIONER: Yes, yes.

Q. Now, is it the first conversation

with Mr. Wilson?

THE COMMISSIONER: No, no, that was the

MR. WILSON: Yes, yes.

THE COMMISSIONER: Had we not see Exhibit 1?

THE REGISTRAR: The witness has it, yes.

MR. WILSON: It is not the last one we

referred to, before that.

Q. The conversation started at 10.45

and was held until 11.45, and then

he makes a record of certain people who he

says you told him were working at the Registry

Club. Frank Gabello, born. Was that one

you read to him?

A. Yes, sir. These names would

be read off the sheet of paper I had.

Q. In other words, you read to him

the name of the boss and the name --

Do you want all those read, Mr. Commissioner?

THE COMMISSIONER: You had better take

the first one.

MR. WILSON: Yes, yes.

Did you read that one to him?

Q. Now, what about Mr. Gabello?

I can only say -- I don't recall these names.

I don't know these names but I think names were





1 on the piece of paper I had, then, I would read  
2 them to him. But, from memory I certainly --  
3 these names don't mean anything to me, sir.

4 Q. In other words, you did read to  
5 him the name of the stick men, the dealers,  
6 the end men and the boss; but you say you  
7 cannot recall their exact names now?

8 A. I am not -- I don't know that  
9 I can just go so far as to agree that, for  
10 example, that that was the information that  
11 was on that information. I would only be  
12 guessing about that, sir. But, if that was  
13 recorded, then, yes, I would have read that  
14 off a sheet.

15 Q. What would you expect Corporal  
16 Shrubbs as an O.P.P. man to do with that  
17 information?

18 A. I wouldn't have cared what he  
19 done with it. I don't think I cared what he  
20 done with it.

21 Q. What was your object in giving  
22 him that information?

23 A. As I have explained to the  
24 Commissioner, Mr. Wilson, my object was to  
25 find out if, in fact, he already had this  
26 information.

27 THE COMMISSIONER: Q. Why were you  
28 interested in that?

29 A. Well, I believe I explained that  
30 to you a few moments ago, sir; because if he

BB/3





on the piece of paper I had, then, I would read  
 them to him. But, from memory I certainly --  
 these names don't mean anything to me, sir.  
 Q. In other words, you did read to

him the name of the stock man, the dealer,  
 and you say that you did not read to him  
 the name of the man who was with him?

A. I am not -- I don't know that  
 I can just go so far as to agree that, for

example, that that was the information that  
 was on that information. I would only be  
 guessing somewhat, sir. But, if there was  
 recorded, then, yes, I would have read that  
 off a sheet.

Q. What would you expect Colonel  
 Shupps as an O.P. man to do with that  
 information?

A. I wouldn't have cared what he  
 done with it. I don't think I cared what he  
 done with it.

Q. What was your object in giving  
 him that information?

A. As I have explained to the  
 committee, Mr. Shupps, we expect that  
 kind of it, in fact, he already had this  
 information.

THE COMMISSIONER: Q. Why were you  
 interested in that?

A. Well, I believe I explained that  
 to you a few moments ago, sir; because if he



1 had in fact received this brief that Ginsey  
2 said that had been sent into both he and the  
3 O.P.P. --

4 Q. He might use it against the  
5 Centre Road Club?

6 A. And if, in fact, he was successful  
7 in obtaining a prosecution, then, he could  
8 apply the same thing to the Centre Road Veterans  
9 Association.

10 Q. I see.

11 MR. WILSON: Q. I suppose if he had  
12 the information in the form of a brief he would  
13 not be interested in this, would he?

14 A. I don't know whether he would,  
15 sir. I can't tell you what he would be interested  
16 in; all I can tell you is what I was interested  
17 in, sir.

18 Q. This was not the way you put it  
19 to Shrubb about the Ramsay Club because, if  
20 you look at that Exhibit 17 under the first  
21 page under date of May 20, you called him and  
22 you had a 50-minute conversation with him  
23 and the first notes he made:

24 "Last night - big crowd -

25 "American clubs down - Ramsay

26 "Club."

27 to  
28 So, you were talking <sup>to</sup> him on the 20th  
29 on the telephone about the Ramsay Club, and  
30 he says at page 2909 of his evidence:

"Q. Do I understand on that



and that had been sent into both he and the

O.P.P. --

Q. He might use it against the

A. And he, in fact, he was unsuccessful

in obtaining a prosecution, then, he could  
apply the same thing to the Centre Head Veterans

MR. WILSON: Q. I suppose if he had

the information in the form of a brief he would

not be interested in this, would not?

A. I don't know whether he would,

Q. I can't tell you what he would be interested

in; all I can tell you is what I was interested

in, sir.

Q. This was not the way you put it

to Shrip about the Henry Club because, all

you look at that Exhibit 17 under the first

page under date of May 20, you called him and

you had a 20-minute conversation with him

and the first notes he made:

"Last night - big crowd -

"American clubs down - Henry

"Club."

to

Q. You were talking him on the 20th

on the telephone about the Henry Club, and

he says at page 209 of his evidence:

Q. So I understand on this





1 "occasion you talked to him for

2 "an hour? About the Ramsey Club?

3 "A. Approximately an hour, and

4 "the major portion of the conversa-

5 "tion was with respect to the Ramsey

6 "Club."

7 Now, that, I take it, was the first  
8 time you had raised this question of the  
9 Ramsay Club, or have you any definite  
10 recollection about that?

11 A. No, I have no books on that, sir.

12 Q. Now, the next one --

13 THE COMMISSIONER: Q. You were not  
14 asked if you had any books. Just try and  
15 answer the question.

16 A. I believe I did, sir; I said no.

17 Q. You said you had no books. Have  
18 you any recollection?

19 A. No, I haven't any dates in my  
20 mind.

21 Q. Have you any recollection of  
22 such a conversation with Shrubbs?

23 A. I have a recollection of speaking  
24 to Shrubbs and conveying to him what was on  
25 these papers but I wouldn't have any dates.

26 Q. No. All right. Is that the  
27 only recollection you have of talking with  
28 Shrubbs about the Ramsay Club - namely, the  
29 occasion on which you had this paper in your  
30 hand?



occasion you talked to him for

"an hour? About the Ramsey Club?"

"A. Approximately an hour, and

"the major portion of the conversation was with respect to the Ramsey

"Club."

Now, that I take it, was the first time you had raised this question of the Ramsey Club, or have you any definite recollection about that?

A. No, I have no books on that, sir.

Q. Now, the next one --

THE COMMISSIONER: Q. You were not asked if you had any books. Just try and answer the question.

A. I believe I did, sir; I said no.

Q. You said you had no books. Have you any recollection

A. No, I haven't any dates in my

Q. Have you any recollection of such a conversation with him?

A. I have a recollection of speaking to him and conveying to him what was on these papers but I wouldn't have any dates.

Q. No. All right. Is that the only recollection you have of talking with him about the Ramsey Club - namely, the occasion on which you had this paper in your





1 A. Well, it seems to me, sir, that  
2 this move wasn't just one occasion; it seems  
3 to me I spoke to Shrubbs on a couple of  
4 occasions.

5 Q. About the Ramsay Club?

6 A. It seems to me -- Yes, about  
7 the Ramsay Club. Yes.

8 Q. Now, on both occasions did you  
9 have this paper in front of you?

10 A. Now, when I say a couple, it  
11 may be two or three, it may be four. I can't  
12 be sure.

13 Q. All right. Did you have this paper  
14 in front of you on the occasion of each of  
15 these telephone calls, or only on the occasion  
16 of one of them?

17 A. Well, I got two or three or  
18 four different papers from Ginsey.

19 Q. Oh. All to the same effect?

20 A. Well, they differed some, I  
21 would think, just guessing back now.

22 Q. What was the substance of the  
23 papers?

24 A. Physically the substance was --

25 Q. How to raid the Ramsay Club?

26 A. I don't know that that was the  
27 title, or anything, but, in any event, the  
28 general conversation was along those lines, yes,  
29 sir.

30 Q. How to raid the Ramsay Club.





A. Well, it seems to me, sir, that

the man who was with me at the time

to me I spoke to Shrubbs on a couple of

occasions.

Q. About the Ramsey Club?

A. It seems to me -- Yes, about

the Ramsey Club. Yes.

Q. Now, on both occasions did you

have this paper in front of you?

A. Now, when I say a couple, it

may be two or three, it may be four. I can't

be sure.

Q. All right. Did you have this paper

in front of you on the occasion of the

three telephone calls, or only on the occasion

of one of them?

A. Well, I got two or three of

four different papers from Gintsey.

Q. Oh. All to the same effect?

A. Well, they differed some, I

would think, but guessing back now.

Q. What was the substance of the

papers?

A. Practically the substance was --

Q. How to raise the Ramsey Club?

A. I don't know that that was the

title, or anything, but, in any event, the

general substance was that the Ramsey Club

was

Q. How to raise the Ramsey Club.



1 MR. WILSON: Q. You called him on  
2 May 20 and, then, on May 21, according to  
3 the evidence of Shrubb, starting at page 2970.  
4 You called him again and the conversation  
5 on that occasion was an hour and a half.  
6 And, again, that was mainly about the Ramsay  
7 Club. Now, in his evidence he says on that  
8 occasion you told him that the returns on  
9 behalf of the club had not been filed for  
10 from two to three to five years. Do you recall  
11 having told him about that?

12 A. I may have, sir. I couldn't  
13 deny that, sir.

14 Q. Then, did you name to him certain  
15 people who were involved in that operation:  
16 Benny Niccoletti, Dominic Mantell, and others?

17 A. There, again, Mr. Wilson, I am only  
18 guessing. As you said, this is on the 21st  
19 of May.

20 Q. Well, around about that time do  
21 you recall giving him the names of Niccoletti  
22 and Mantell?

23 A. I do recall the names of Niccoletti  
24 and this Mantell on the -- on one of these  
25 sheets that I got from Ginsey; yes, sir.

26 Q. And Frank Cabello, also on the  
27 sheet?

28 A. I would think so. I couldn't  
29 swear to that, sir.

30 Q. And they were all Americans to your



Q. Now, when you called him on

May 30 and, then, on May 31, according to

the evidence of Exhibit, starting at page 2590.

You called him again and the conversation

on that occasion was an hour and a half.

And, again, that was mainly about the Ramsey

Club. Now, in his evidence he says on that

occasion you told him that the return on

behalf of the club had not been filed for

from two to three to five years. Do you recall

that conversation?

A. I may have, sir. I couldn't

say for sure.

Q. Then, did you name to him certain

people who were involved in that operation?

Benny Niccolletti, Dominick Mantelli, and others?

A. There, again, Mr. Wilson, I am only

guessing. As you said, this is on the 31st

of May.

Q. Well, around about that time do

you recall giving him the names of Niccolletti

and Mantelli?

A. I do recall the names of Niccolletti

and this Mantelli on the -- on one of these

sheets that I got from Gladys; yes, sir.

Q. And Frank Gabello, also on the

sheet?

A. I would think so. I couldn't

swear to that, sir.

Q. And they were all Americans to your





1 knowledge?  
2 A. I don't know whether I would  
3 define that on -- in the text of what I was  
4 reading from or not, sir.

5 THE COMMISSIONER: Q. If you told Shrubbs  
6 who they were and where they came from it was  
7 either on the sheet or else you knew apart  
8 from what was on the sheet?

9 A. If I told him that, then, it  
10 would be information I had on the sheet.

11 Q. I see.

12 MR. WILSON: Q. Do you recall telling  
13 him the steward Ralph Aggretti, had a record?

14 A. Sir, I don't recall that  
15 specific detail; but, there, again, if I did,  
16 why, I would be just -- it must have been  
17 included in the information I was working from.

18 Q. Your information that had been  
19 given to you apart from the sheets, apart  
20 from this paper you had in front of you? For  
21 instance, he says you told him about Scrip  
22 Mitchell working in the kitchen?

23 A. No, I wouldn't say that at all,  
24 Mr. Wilson. I would say that it probably  
25 was included in a sheet, something like this  
26 (indicating).

27 THE COMMISSIONER: Q. All right,  
28 included in the sheet was the fact, as I  
29 understand the evidence, the names of Benny  
30 Niccoletti and Dominic Mantell, bosses of the



knowing?

A. I don't know whether I would

believe that or -- in the text of what I had

written down at that time.

THE COMMISSIONER: Q. If you told me that

who they were and where they came from it was

all right in the same way that you told me

from what was on the sheet?

A. If I told him that, then, it

would be information I had on the sheet.

Q. Yes.

MR. WILSON: Q. Do you recall telling

him the second Ralph Angelotti had a receipt?

A. Sir, I don't recall that

he had a receipt, but I don't recall

why, I would be just -- it must have been

included in the information I was working from.

Q. Your information that had been

given to you apart from the sheets, apart

from this paper you had in front of you? You

meanwhile, he says you told him about Fort's

Mitchell working in the kitchen?

A. No, I wouldn't say that at all.

MR. WILSON: I would say that it probably

was included in a sheet, something like this

(reading).

THE COMMISSIONER: Q. All right.

included in the sheet was the fact, as I

understand the evidence, the names of Henry

Mitchell and Daniel Mitchell, names of the





1 Mafia that had been investigated by the Grand  
2 Jury and convicted. Did you read that from  
3 the sheet?

4 A. To the best of my knowledge,  
5 sir.

6 Q. You remember that?

7 A. Well, I am trusting --

8 Q. To your recollection?

9 A. That is right.

10 Q. Yes. All that information would  
11 be of no avail in a raid on the Centre Road  
12 Club, would it?

13 A. Names of individuals, sir?

14 Q. The name of Benny Niccoletti,  
15 Dominic Mantell and Frank Cabello; they had  
16 no interest in the Centre Road Club?

17 A. I don't think it would be any  
18 interest to them, raiding the Centre Road Club;  
19 no, sir.

20 Q. No. But you were simply conveying  
21 that to Shrubb because you had this paper in  
22 front of you this dead man Ginsey had given  
23 you?

24 A. He wasn't dead at the time.

25 Q. Of course, he wasn't dead at  
26 the time. He is now?

27 A. Yes, sir.

28 Q. Why would Ginsey be interested  
29 in having the Ramsay Club put out of business?

30 A. What was the question?



which has been investigated by the Grand

វិចិត្រករ ហ៊ុន

A. At the point of my knowledge.

113

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3

They are of the following

1

9. You will find information on World

be of no avail in a raid on the Centre Road

Names of individuals to whom

THE NAME OF THE PERSON TO WHOM YOU ARE GIVING

no interest in the Centre Road Club.

A. I don't think it would be any.

interest to them, raising the Centre Road Club.

Q. But you were simply conversing?

that to finish because you had this paper in

front of you into dead man Ginnery had given

4. He went to the bank and the bank.

10 course in law and ethics

NOV 19 1964

1957, 1958, 1959

Why World Disney Is Important

to observe the February Club but one of members

A. What was the question?



CC/1/FMcG 1

THE COMMISSIONER: Q. Why would Ginsey

2 be interested in having the Ramsay Club put  
3 out of business?

4 A. I don't know that he really was.  
5 this

6 Q. Well, he was giving us information  
7 about these three characters from the States  
8 who had bad criminal records as one reason why  
9 the Ramsay Club should be put out of business.

10 A. No; Ginsey was giving the  
11 information to me that he had obtained from  
12 somebody else. I don't know who he obtained  
13 it from but he was relaying it and giving it  
14 along to me.

15 Q. I see.

16 A. He was probably the best informed  
17 gambler on the North American Continent. He  
18 was very well liked and everybody across the  
19 country knew him and he knew everything that  
20 was going on everywhere.

21 Q. He would know all about these  
22 characters in the States; the best informed  
23 gambler in Ontario or North American would  
24 know about them?

25 A. Oh, he probably did because he  
26 knew a lot of people.

27 Q. Well, he described them?

28 A. It is my impression that Ginsey  
29 got what he gave to me from somebody else.

30 Q. But you don't know who the  
somebody else was?



THE UNIVERSITY OF CHICAGO

be interested in having the Kennedy Club put

out of business?

A. I don't know. I don't know who he obtained  
this information

Q. Well, he was giving information

about those three characters from the States

the National Security Council

the Kennedy Club should be put out of business.

A. No; Gannex was giving the

information to me that he had obtained from

somebody else. I don't know who he obtained

it from but he was relaying it and giving it

along some

Q. I see.

A. He was relaying the information

to the National Security Council

was very well liked and everybody knows the

country knew him and he knew everything that

was going on everywhere.

Q. He would know all about those

characters in the States; the best informed

gambler in Ontario or North American would

know about them?

A. Oh, he probably did because he

knew a lot of people.

A. Well, he was a gambler

A. It is my impression that Gannex

got what he gave to me from somebody else.

Q. But you don't know who the

person was who





1 A. No, I don't, sir.

2 Q. And you were not interested enough  
3 to ask?

4 A. No. I felt that if he wanted  
5 to tell me, then I see no reason to question  
6 him about it, sir.

7 MR. WILSON: Q. Well, May 22nd wasn't  
8 the last of these conversations because we  
9 find that Shrubb in his evidence has said  
10 that he had a further conversation about the  
11 Ramsay Club with you on May 27th and then  
12 again, by Exhibit 114, he has recorded a  
13 conversation he had with you on June 25th --  
14 June 24th, I'm sorry.

15 THE COMMISSIONER: Where is that?

16 MR. WILSON: Exhibit 114. That is not  
17 on Exhibit 17, Mr. Commissioner. We have  
18 two exhibits dealing with conversations about  
19 the Ramsay Club between Shrubb and this witness.  
20 One is Exhibit 114 recording a conversation  
21 on June 24th.

22 THE COMMISSIONER: June 25th, isn't it?  
23 Oh yes, June 24th; that's right.

24 MR. WILSON: And Exhibit 119 recording  
25 a conversation on July 29th. And there was  
26 one intervening conversation on June 5th, 1958,  
27 which is also covered by Exhibit 17. Without  
28 taking the time, Mr. Commissioner, unless you  
29 want me to, it is quite clear that the witness  
30 was very persistent in these conversations he



Q. Now, I want to ask you.

A. And you were not interested in it.

Q. No. I felt that if he wanted

to tell me, then I see no reason to question

him about it, sir.

MR. WILSON: O. Well, may I ask you

find that Shupp in his evidence has said

that he had a further conversation about the

again, by Exhibit 114, he has recorded a

conversation he had with you on June 23rd --

June 23rd, I'm sorry.

THE COMMISSIONER: Where is that?

MR. WILSON: Exhibit 114. That is not

on Exhibit 114, Mr. Commissioner. We have

two exhibits dealing with conversations about

the Ramsey Club between Shupp and this witness.

One is Exhibit 114 recording a conversation

on June 23rd.

THE COMMISSIONER: June 23rd, isn't it?

Oh yes, June 23rd; that's right.

a conversation on July 23rd. And there was

one intervening conversation on June 23rd, 1934,

which is also covered by Exhibit 114. Witness

taking the time, Mr. Commissioner, would you

want me to, it is quite clear that the witness

was very consistent in these conversations in





1 had about this club and what should be done  
2 about it.

3 I notice in Exhibit 119 he suggests  
4 how entry could be made by pretending to be a  
5 friend of Harry Altman and going in and getting  
6 by Gimpy at the door.

7 Q. Did you know Gimpy, by the way?

8 A. I know a fellow, I have met him  
9 on the racetrack over there, by the name of  
10 Gimpy. I don't know whether I would recognize  
11 him if he walked in here, sir, but I recall  
12 having met a party called Gimpy.

13 Q. I notice in Exhibit 119 you  
14 say to him, to Shrubb:

15 "Give Gimpy a big hello and how-  
16 "are-you. Gimpy don't know one  
17 "guy from another. Gimpy would  
18 "possibly just push him through."

19 And then it goes on in that same paragraph  
20 recording what you said:

21 "When he gets upstairs, Dukey, if  
22 "he does run into any trouble,  
23 "I would advise him to just say  
24 "'Oh, yeah, Harry Altman is a  
25 "personal friend of mine.'"

26 Now, did you know Harry Altman?

27 A. No, sir.

28 Q. You didn't know him, yet you  
29 told Shrubb in that conversation, "The guy  
30 that owns the Town Casino". Who put you up





had about this club and what should be done

THEY ARE

I notice in Exhibit 19 he suggests

now entry could be made by pretending to be a  
friend of Harry Alisan and going in and getting  
by Gimpy at the door.

Q. Did you know Gimpy, by the way?

A. I know a fellow, I have met him

on the racetrack over there, by the name of  
Gimpy. I don't know whether I would recognize  
him if he walked in here, sir, but I recall

seeing him at some place there.

Q. I notice in Exhibit 19 you

say to him, to Shadow:

"Give Gimpy a big hello and how-

"are-you. Gimpy don't know one

"Guy from another. Gimpy would

"possibly just punch him through."

And then it goes on in that same paragraph

recording what you said:

"When he gets upstairs, Shadow, if

"he does run into any trouble,

"I would advise him to just say

"Oh, yeah, Harry Alisan is a

"fellow from the States."

Now, did you know Harry Alisan?

A. No, sir.

Q. You didn't know him, you say

and didn't in that conversation, "the guy

that owns the Town Casino". Who was that?



1 to giving him that story?

2 A. Well, there again, sir, whatever  
3 I told Shrubb on that occasion I would be  
4 reading from a transcript.

5 Q. So you had a prepared - somebody  
6 handed you something to read to Shrubb; is  
7 that it?

8 A. Well, no, that would be what I  
9 received from Ginsey.

10 Q. You say that Ginsey would write  
11 out, let us say, the score for the conversation  
12 on June 24th, Exhibit 114, and the one on  
13 July 29th, Exhibit 119?

14 Let the witness see those two, Mr.  
15 Registrar, so we may be sure of that.

16 (Produced)

17 Now, you have looked at the two exhibits  
18 and what you are recorded as having said. Are  
19 you now telling us that what was said by you  
20 about Altman, Gimpy and these other people  
21 was something you were reading?

22 A. Well, what I am saying, Mr. Wilson,  
23 is that these names and, generally speaking, yes,  
24 this is, I would say, pretty well read from  
25 the transcript or the papers that I got from  
26 Ginsey.

27 Now, I cannot swear that every word  
28 that is here was, that every word that was on  
29 the piece of paper or on the sheets of paper  
30 that I got from Ginsey is there, but to the



to giving him that story?

A. Well, there again, sir, whatever

I told Sherry on that occasion I would be

giving him a story.

Q. So you had a prepared - someone

handed you something to read to Sherry; is

that it?

A. Well, yes, that would be that.

Q. Now, this Sherry

Q. You say that Sherry would write

out, let us say, the score for the conversation

on June 24th, 1914, and the one on

July 25th, 1914?

Let the witness see those two, Mr.

Registrar, so we may be sure of that.

(Witness)

Now, you have looked at the two exhibits

and what you are recorded as having said. Are

you now telling us that what was said by you

was, "I am not a member of the

British Association for the Advancement of Science?"

A. Well, yes, I am not a member of the

is that these names and, generally speaking, you

this is, I would say, pretty well read from

the transcript of the papers that I got from

Sherry.

Now, I cannot swear that every word

that is here was, that every word that was on

the place of paper or on the sheets of paper

that I got from Sherry is there, but so far





1 best of my knowledge I do swear that the  
2 general text of the sheets that Ginsey gave  
3 me coincides with the general theory of these  
4 conversations.

5 Q. Did you discuss this plan with  
6 McDermott before you carried it out? Did  
7 your partner know what you were doing with  
8 regard to these conversations with Shrubb?

9 A. I probably discussed it. I  
10 don't know whether it would be before or after,  
11 and I just don't recall to what detail I  
12 discussed it, sir.

13 Q. Are you telling us that when you  
14 were doing all this, as you sat at the instance  
15 of Ginsey, that you did not even know who  
16 Ginsey was working for at that time?

17 A. No. I will just answer one  
18 question at a time, sir. I don't know whether  
19 I said to you or to the Commissioner here that  
20 this was at the instance of Ginsey. If I  
21 did, I am sorry. I don't believe I said that.  
22 I said that I was given this information or  
23 reading these scripts to Shrubb to find out  
24 from Shrubb if in fact he had already received  
25 the so-called brief or not.

26 Q. I think your evidence, unless  
27 I am wrong, is that the information you read  
28 so far as the brief is concerned was from a  
29 brief or document given to you by Ginsey.  
30 Now, what was Ginsey's purpose in giving you

Q. Did you discuss this plan with

Q. I probably discussed it. I don't know whether it would be before or after, and I just don't recall to what detail I

Q. Are you telling us that when you were doing all this, as you sat at the instance of Gipsy, that you did not even know who Gipsy was working for at that time?

the so-called brief or not.

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1 that document?

2 A. Some particular document, Mr. Wilson?

3 Q. No, the one where I read off to  
4 you the names of the dealers and the Niccolettis  
5 and Mantell and all these names that you read  
6 off to Shrubb. As I understand your  
7 evidence, you say that was in sheets that were  
8 given to you by Ginsey?

9 A. Yes, sir.

10 Q. That is right, isn't it?

11 A. Yes, sir.

12 Q. Why was he giving you these  
13 sheets with this information on?

14 A. Well, I thought I explained that  
15 to you, Mr. Wilson.

16 Q. I want to be clear.

17 A. I will try to explain it again,  
18 sir.

19 Q. Yes.

20 A. Ginsey gave me that because he  
21 told me that in fact he had heard there had  
22 already been this information sent in to the  
23 O.P.P.

24 Q. What was he asking you to do  
25 with this information?

26 A. Oh, he didn't ask me to do  
27 anything, sir.

28 Q. Did he only give you the information  
29 on one occasion or more than one occasion?

30 A. Oh, no; I believe I said three or





A. Some particular document, Mr. Wilson?

Q. No, the one where I read off to

You the names of the officers and the Miscellaneous

was written and all those names were there

off to Murphy. As I understand your

evidence, you say that was in sheets that were

given to you by Gurney?

A. Yes, sir.

Q. That is right, isn't it?

A. Yes, sir.

Q. Why was he giving you these

sheets with this information on?

A. Well, I thought I explained that

to you, Mr. Wilson.

Q. I want to be clear.

A. I will try to explain it again.

sir.

A. Yes.

A. Gurney gave me that because he

told me that in fact he had heard there had

already been this information sent in to the

O.P.F.

Q. That was he asking you to do

with this information?

A. Oh, he didn't ask me to do

anything, sir.

Q. Did he only give you the information

on one occasion or more than one occasion?

A. Oh, no; I believe I said there on



1 four, somewhere in there, and I stand to be  
2 corrected; it may have been three or it may  
3 have been a half dozen times or eight times.  
4 I am only guessing, sir.

5 Q. So when you had all these con-  
6 versations in May and June of 1958 with Shrubb  
7 where you discussed this club you were basing  
8 it on information that had been given you  
9 throughout by Ginsey?

10 A. These phone conversations, sir?

11 Q. Yes.

12 A. That you are referring to that  
13 I had with Shrubb?

14 Q. That's right.

15 A. The information was from the  
16 sheets of paper that I had received with the  
17 information from Ginsey; yes, sir.

18 Q. And the last conversation that  
19 I have a record of is on July 29th, 1958.  
20 Now, if I am right in saying that was the  
21 last one, or whatever the last one was, had  
22 you obtained any information from Shrubb up  
23 to that time as to whether or not the Ontario  
24 Provincial Police had the brief?

25 A. Well, the dates ---

26 Q. Never mind the dates. Up to  
27 the last talk you had with him about this brief  
28 did you ascertain whether the Ontario Provincial  
29 Police had a copy of it? From Shrubb?

30 A. No, I don't believe that Shrubb



four, somewhere in there, and I want to be  
corrected; it may have been three or it may  
have been a half dozen times or eight times.  
I am only guessing, sir.

Q. So when you had all these con-  
versations in May and June of 1958 with Shano  
where you discussed this club you were having  
it on information that had been given you

throughout by Gansky?

A. These phone conversations, sir?

Q. Yes.

A. That you are referring to that

information which

Q. Well, yes.

A. The information was from the

sheets of paper that I had received with the

information from Gansky, sir.

Q. And the last conversation that

I have a record of is on July 29th, 1958.

Now, if I am right in saying that was the

last one, or whatever the last one was, had

you obtained any information from him up

to that time as to whether or not the Gansky

Provincial Police had the photo?

A. Well, the dates ---

Q. Never mind the dates. Is so

the last talk you had with him about this photo?

did you ascertain whether the Ontario Provincial

Police had a copy of it? From Gansky?

A. No, I don't believe that Gansky





1 ever did tell me that.

2 Q. Did you ever ask him outright as  
3 to whether the Ontario Provincial Police had  
4 received a copy of the brief?

5 A. I don't believe I did, sir.

6 Q. During the months of May, June  
7 and July, 1958, do you want the Commissioner  
8 to believe you did not know what interest  
9 Ginsey was serving when he gave you this  
10 information?

11 A. (No audible answer)

12 THE COMMISSIONER: Well, Mr. Wilson, I  
13 have heard this witness's evidence. I will  
14 give it the value I think it merits.

15 Do you want a recess?

16 MR. WILSON: I would like one; yes, sir.

17 THE COMMISSIONER: Ten minutes.

18  
19 ---A short recess.

20  
21  
22  
23 ---On resuming after recess.

24 THE COMMISSIONER: All right, Mr. Wilson.

25 MR. WILSON: Q. You were aware, of  
26 course, that the Ramsay Club was raided in  
27 August of 1958 and ceased to operate at that  
28 address after that time?

29 A. Yes, sir; I am aware of that.

30 Q. And you are also aware undoubtedly



ever did tell me that.

Q. Did you ever tell him anything as

to whether the character provided in fact had

received a copy of the brief?

A. I don't believe I did, sir.

Q. Did you ever tell him anything as

and July, 1933, do you want the Commission

to believe you did not know what interest

Ginney was serving when he gave you this

information?

A. (No audible answer)

Q. Did you ever tell him anything as

have heard this witness's evidence. I will

give it the value I think it merits.

Q. Did you ever tell him anything as

Mr. Wilson: I want to ask you a few

THE COMMISSIONER: Two minutes.

--A short recess.

THE COMMISSIONER: Two minutes.

THE COMMISSIONER: All right, Mr. Wilson.

MR. WILSON: Q. You were aware, of

course, that the Remy Club was raised in

August of 1933 and ceased to operate at that

time?

A. Yes, sir; I am aware of that.

Q. And you are also aware that





1 that what I call the new Ramsay Club, with  
2 the same charter, started up at 1548 Stanley  
3 Street in Niagara Falls about June 1st, 1960?

4 A. I am not so sure of the date, sir.

5 Q. Well, you knew ---

6 A. I knew the Ramsay Club.

7 Q. And I suppose you knew that the  
8 people who ran the new operation were not  
9 quite the same as the people who ran what I  
10 call the old Ramsay Club?

11 A. Well, I have it in my mind, sir,  
12 that I thought it was one and the same.

13 Q. Well, we have the evidence in  
14 these proceedings of George Scott to the  
15 effect that Wright, the former Ontario Provincial  
16 Police officer, told him that Niccoletti of  
17 the American interests had the minor share  
18 in this new operation; is that right, according  
19 to your information?

20 A. Well, I wouldn't know anything  
21 about that, sir.

22 Q. Then we have further the evidence  
23 of George Scott at page 1637 that McDermott  
24 told him that he and yourself had the lion's  
25 share in the new Ramsay Club operation.  
26 Now, if McDermott said that, would it be true?

27 A. No, sir.

28 Q. Are you swearing that you had  
29 no interest whatsoever in the new Ramsay  
30 Club operation?





that that I call the new Ramsey Club, which

was built on the site of the old Ramsey Club

located in Winston-Salem about June 1st, 1900

A. I am not so sure of the date, sir.

Q. Well, you know --

A. I am not sure.

Q. And I suppose you know that the

people who own the Ramsey Club

quite the same as the people who own the

club, the Ramsey Club

A. Well, I have it in my mind, sir,

that I thought it was one and the same.

Q. Well, we have the evidence in

these proceedings of George Scott to the

effect that the Ramsey Club is the same as the

club which was built on the site of the old

the American interests and the mine where

in this new operation; is that right, according

to your information?

A. Well, I wouldn't know anything

about that, sir.

Q. Then we have further the evidence

of George Scott at page 1037 that Webster

told him that he and yourself had the lion's

share in the new Ramsey Club operation.

Now, if Webster said that, would it be true?

A. No, sir.

Q. Are you swearing that you had

no interest whatsoever in the new Ramsey

Club operation?



1 A. Yes, sir.

2 Q. And did McDermott have any interest  
3 in it?

4 A. No, sir.

5 Q. To your knowledge. Then, if he  
6 did say that, he would have no reason for saying  
7 it?

8 A. We are back to McDermott, are we?

9 Q. Yes, we are back to McDermott.

10 A. I couldn't really answer that  
11 question truthfully, sir. I wouldn't know  
12 whether he had a reason or not, sir.

13 THE COMMISSIONER: Q. You know Wright  
14 pretty well, do you, Mr. Feeley?

15 A. I have spent the last couple  
16 of years in his company and spent, I think it  
17 is getting on, to a couple of months in jail  
18 with him, yes, sir.

19 Q. Did you find him truthful?

20 A. Yes, I think he is a fine fellow.

21 Q. Truthful?

22 A. Yes, sir. I think I may say that  
23 he was very confused at times over the last  
24 couple of years. These trials and I think  
25 that -- this is only my own personal opinion --  
26 that he would have a tendency maybe to drink  
27 a little too much at times and he is a little  
28 confused.

29 MR. WILSON: Q. You made arrangements  
30 with one George Gogek to use his telephone --



A. Yes, sir.

Q. And did Henderson have any interest

in it?

A. No, sir.

Q. To your knowledge. When, if he

did say that, he would have no reason for saying

that?

A. We are back to Henderson, are we?

Q. Yes, we are back to Henderson.

A. I don't really know that

anybody is really interested in Henderson.

Q. Now, you are saying that you don't know

THE COMMISSIONER: Q. You know nothing

pretty well, do you, Mr. Peasley?

A. I don't know the last couple

of years in his company and agent, I think it

is getting on, to a couple of months in jail.

Q. Now, you are saying that you don't know

the last time he was in jail?

A. Yes, I think he is a fine fellow.

Q. That's all?

A. Yes, sir. I think I may say that

he was very confused at times over the last

couple of years. These trials and I think

that -- that is only my own personal opinion --

that he would have a tendency maybe to drink

a little too much at times and he is a little

Q. Now, you are saying that you don't know

the last time he was in jail?

Q. Now, you are saying that you don't know





1 Morris Gogek -- to make use of his telephones  
2 which are Crescent 8-5280 and Crescent 8-5289;  
3 is that right?

4 A. I did make arrangements with  
5 Mr. Gogek. I don't recall having gone into --  
6 this number, this 5289, would be the number, as  
7 I recall. I don't know about the other.

8 Q. Well, we have his evidence that  
9 those were the numbers.

10 A. Well, if Mr. Gogek said that I  
11 ~~had~~ said that, I would concur with that, sir.

12 Q. What use was made of those  
13 telephones? What was the purpose of the  
14 arrangement?

15 A. Well, when you are ---

16 THE COMMISSIONER: Isn't that manifest?

17 MR. WILSON: I think it is clear from  
18 the evidence, yes.

19 THE COMMISSIONER: Why waste any time  
20 with this man on it?

21 MR. WILSON: All right. Fine. It has  
22 some bearing, Mr. Commissioner.

23 Q. Were you the one that was using  
24 these telephone numbers?

25 A. Mr. Gogek's phone number?

26 Q. Yes.

27 A. I may have somewhere along the  
28 line or the interim, the period of time that  
29 I had these arrangements with Mr. Gogek, I  
30 may have, and I would only be guessing, sir,



Mr. Gogok -- to make use of his telephone  
which are numbers 8-2500 and Greenback 8-2500

IN THE COURT

A. I think that is correct.

Mr. Gogok. I don't recall having gone into --

this number, this 2500, would be the number, as

I recall. I don't know about the other.

Q. Well, we have no evidence that

those were the numbers.

A. Well, as Mr. Gogok said that I

was said that, I would connect with that, sir.

Q. That was made of those

telephones was the purpose of the

arrangement?

A. Well, that is what I

was saying, that is what I was saying.

MR. WILSON: I think it is clear from

the evidence, sir.

THE COURT: Why waste any time

with this man on it?

MR. WILSON: All right, Your Honor.

THE COURT: All right.

Q. Were you the one that was using

those telephones?

A. Yes, sir.

Q. Yes.

A. I may have somewhere about the

time of the incident, the period of time that

I had these arrangements with Mr. Gogok, I

may have, and I would only be guessing, sir.





1 put a call or some calls or had some calls  
2 billed to that number.

3 Q. Did you make a number of calls  
4 from that number to the Ramsay Club in March,  
5 April and May of 1960?

6 THE COMMISSIONER: He had calls to the  
7 Ramsay Club charged to those numbers, he said.

8 MR. WILSON: Yes.

9 A. I couldn't swear I did or I  
10 couldn't swear I didn't, sir. I may have called  
11 the Ramsay Club on an occasion or two, but  
12 I couldn't be definite one way or the other,  
13 sir.

14 THE COMMISSIONER: Q. What would you  
15 be calling the Ramsay Club about?

16 A. Well, there again, sir, if I  
17 did, it would possibly be to talk to Ginsey  
18 or maybe Felix Borelli. I don't know if I  
19 did but that would be why I would be calling,  
20 to speak to either one of those parties.

21 MR. WILSON: Q. While we are dealing  
22 with the Niagara Peninsula, in the Winter-  
23 meyer speech, Exhibit 3, at page 102, there  
24 appears in the left hand column half way down  
25 this statement.

26 THE COMMISSIONER: Page what?

27 MR. WILSON: 102½ on the left hand side?

28 "There has been evidence that John Don

29 "Scott, the assistant Crown Attorney

30 "at Niagara Falls, is a pal of Feeley





and a call on some calls on two some calls  
called to that number.

Q. Did you make a number of calls  
from that number to the Ramsey Club in New York?

April and May of 1930?

THE COMMISSIONER: He had calls to the  
Ramsey Club directed to those numbers, he said.

MR. WILSON: Yes.

A. I couldn't swear I did or I

the Ramsey Club on an occasion or two, but  
I couldn't be definite one way or the other.

THE COMMISSIONER: Q. What would you

be calling the Ramsey Club about?

A. I would possibly be to talk to Ramsey  
or maybe Felix Bonelli. I don't know if I  
and but that would be why I would be calling,  
to speak to either one of those parties.

MR. WILSON: Q. While we are dealing  
with the Niagara Peninsula, in the Wilson  
mayor speech, Exhibit 3, at page 102, where  
appears in the left hand column half way down  
this statement.

THE COMMISSIONER: Page what?

MR. WILSON: 102, on the left hand side.  
"There has been evidence that KKKK Bow  
"at Niagara Falls, is a lot of people



1 "and McDermott's and that they  
2 "hope to get him appointed  
3 "Crown Attorney instead of the  
4 "present incumbent who, from  
5 "their point of view, was much  
6 "harder to get along with. There  
7 "has been evidence that Don Scott  
8 "and an unidentified member of  
9 "Parliament in the Niagara  
10 "Peninsula received some money to  
11 "take the pressure off the club  
12 "in Niagara Falls and the Niagara  
13 "Falls area."

14 Do you know the Don Scott mentioned in  
15 that statement?

16 A. No, sir, I do not.

17 Q. Have you ever met him?

18 A. No, I have not.

19 Q. Have you ever talked to him?

20 A. No, sir, I don't believe I have.

21 Q. To your knowledge is he a  
22 friend of McDermott's?

23 A. Not to my knowledge, sir.

24 Q. Have you ever paid any moneys to  
25 Don Scott for the purpose of having the pressure  
26 taken off the club in Niagara Falls and the  
27 Niagara Falls area?

28 A. I have certainly never paid  
29 Don Scott any money in my life.

30 Q. Or have you ever paid any money



Q. Now, did you see him at that time?

A. I hope to get him explained.

Q. Did you see him at that time?

A. I don't know, sir, I don't know.

Q. What point of view, was it?

A. I don't know, sir, I don't know.

Q. Has been evidence that Ben Scott?

A. And an unidentified member of?

Q. Is that in the witness?

A. Yes, it is in the witness.

Q. The witness says that he saw him?

A. Yes, he saw him at the time.

Q. Is that all the evidence you have?

A. Yes, that is all the evidence I have.

Q. Now, did you see him at that time?

A. No, sir, I do not.

Q. Have you ever met him?

A. No, I have not.

Q. Have you ever talked to him?

A. No, sir, I don't believe I have.

Q. To your knowledge is he a friend of McArthur's?

A. Not to my knowledge, sir.

Q. Have you ever paid any money to Ben Scott for the purpose of having the picture taken off the case in Niagara Falls and the Niagara Falls area?

A. I don't know, sir.

Q. Did Scott pay money in my life?

A. No, I have never paid any money.





1 to any Member of Parliament for that same purpose?

2 A. No, sir, I have not. I might  
3 say at this time that at one of my trials  
4 Constable Scott - or Constable Moore -- gave  
5 evidence under oath that he had heard or knew  
6 that there was a \$4,000 pay-off to some  
7 magistrate that heard the Ramsay Club case  
8 and threw it out, but that was the first time  
9 I ever heard of any pay-off. I had no  
10 knowledge of it up until the time he gave  
11 that evidence under oath.

12 Q. Who told you about the rumour?

13 A. Rumour?

14 Q. Did you say there was a rumour?

15 A. No, sir; I said Constable Moore  
16 of the O.P.P. swore under oath at one of my  
17 trials that he ---

18 Q. Oh, that he heard something?

19 A. --- that he knew or heard of  
20 a \$4,000 pay-off to Magistrate Halleck, but  
21 I never heard it before.

22 Q. Did you ever pay any money to  
23 any magistrate or any other Crown official  
24 to, in any way, influence any of their decisions?

25 A. Never in my life, sir.

26 Q. Now we turn to the Windsor area.  
27 Did you ever have any interest in any way,  
28 directly or indirectly, in the club that  
29 was known first as the Old Castle Club, the  
30 Border City Press Club, the Army, Navy and



to any member of Parliament for any purpose?

A. No, sir, I have not. I might say at this time that at one of my trials, Constable Scott - or Constable Moore - gave evidence under oath that he had heard or knew that some one had paid me money.

Magistrate had heard the Ramsey Club case and threw it out, although was the first time I ever heard of any pay-off. I had no knowledge of it up until the time he gave that evidence under oath.

Q. Did you say there was a money?

A. No, sir; I said Constable Moore of the C.P.P. swore under oath at one of my trials that he ---

A. --- that he knew or heard of a \$4,000 pay-off to Magistrate Heacock, did I never heard it before.

Q. Did you ever pay any money to any magistrate or any other known official, or, in any way, influence any of their decisions?

Q. Now we turn to the witness now.

Did you ever have any interest in any way, directly or indirectly, in the ship that was known first as the Old Castle Club, the Harbor City Press Club, the Army, Navy and

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1 Veterans in Canada, Unit 327, and, finally,  
2 as the Roseland Veterans Association?

3 A. No, sir.

4 Q. You never had any interest,  
5 financial or otherwise, in the operations carried  
6 on on the premises of that club?

7 A. No, sir.

8 Q. We have the evidence ---

9 THE COMMISSIONER: Q. Did McDermott,  
10 to your knowledge?

11 A. No, sir.

12 MR. WILSON: Q. We have the evidence  
13 of Curly Gardner at page 1996 to the effect  
14 that he borrowed money from McDermott from  
15 the time that the Walker Road premises opened.  
16 Now, were you a party to those loans?

17 A. I don't know what loans you  
18 are referring to, sir, but I was -- let me  
19 put it this way: Gardner was a chronic  
20 gambler and every cent that he could lay his  
21 hands on he would gamble and from time to  
22 time over the period of years that I have  
23 known Gardner I or McDermott have lent him  
24 money to gamble with but I don't know that  
25 I can just tie any one specific loan down, sir.

26 Q. No, but in order to get some  
27 repayment of those loans, did you get a  
28 percentage of the operations at the Roseland  
29 and the different club names that were used  
30 prior to 1957?





Question: Did you ever see him?

as the President of the Association?

A. No, sir.

Q. You never had any interest,

financial or otherwise, in the operation of the

on on the premises of that club?

A. No, sir.

Q. Did you ever see him at the club?

A. No, sir.

Q. Did you ever see him at the club?

A. No, sir.

Q. Did you ever see him at the club?

of Emily Gardner at that time to the effect

that he borrowed money from Margaret from

the time that he was in the hospital?

A. Yes, sir.

A. I don't know what John was

are referring to, sir, but I was -- I was

put it this way: Gardner was a chronic

gambling and every cent that he could lay his

hands on he would gamble and from time to

time over the period of years that I have

known Gardner I or Margaret have lent him

money to gamble with but I don't know this

I can't tell you any one specific loan date, sir.

Q. No, but in order to get some

repayment of those loans, did you get a

percentage of the operations of the hospital?

and the different club names that were used

and the different club names that were used



1 A. This is the Walker Road club you  
2 are referring to?

3 Q. That's right.

4 A. No, sir.

5 Q. None at all?

6 A. No, sir.

7 Q. Did you ever get your money back?

8 A. Oh, yes. Gardner would borrow  
9 and pay back and win and lose; he was in the  
10 money and out of the money.

11 Q. So in the end he never owed you  
12 any money?

13 A. I don't consider him owing me  
14 any money; no, sir.

15 Q. Do you recall going down to  
16 Roseland with McDermott and Louis Herman and  
17 Mr. Keith of Margewson and Associates to  
18 view the premises in order to comply with  
19 the Fire Marshal's regulations?

20 A. No, I don't, sir. I don't  
21 recall that at all.

22 Q. You don't recall that?

23 A. No.

24 Q. Well, do you deny that you were  
25 there?

26 A. On this specific occasion you  
27 are referring to?

28 Q. Yes.

29 A. No, I couldn't deny that, sir.  
30 I couldn't confirm or deny. I don't recall the



Q. This is the witness stand, is it not?

A. Yes, sir.

Q. Now, sir,

A. Yes, sir.

Q. Did you ever see your money back?

A. Oh, yes. On, yes.

and pay back and win and lose; he was in the

money and out of the money.

Q. So in the end he never owed you

any money?

A. I don't consider it as such.

Q. Do you recall going down to

Wesland with McDermott and Louis Herman and

Mr. Ketch of Martenson and Associates to

view the premises in order to comply with

the Fire Marshal's regulations?

A. No, I don't, sir. I don't

recall that at all.

Q. You don't recall that?

A. No, sir.

Q. Well, do you know that you were

A. On this specific occasion you

are reporting for

Yes.

A. No, I couldn't say that, sir.

I couldn't say that, sir. I don't recall.





1 incident you are speaking about.

2 Q. Well, have you ever been in  
3 the Roseland Club?

4 A. Yes, sir.

5 Q. Many times?

6 A. No, sir.

7 Q. Have you ever been there with  
8 McDermott?

9 A. I have one specific occasion in  
10 mind that I was in there. I may have been in  
11 there more but I only recall one specific  
12 occasion, sir.

13 Q. When was that?

14 A. Well, that would be very difficult  
15 for me to say. It may be five or six years  
16 ago. It may be longer. I don't recall exactly.

17 Q. You had some correspondence  
18 with Gardner about charters and pool table  
19 cloths. Do you recall that?

20 A. Yes, sir; if it is what I think  
21 you are referring to, I recall it.

22 Q. Well, Gardner has told us you  
23 had it. Was that just a friendly action on  
24 your part?

25 A. I don't recall the actual  
26 contents of the letter but if you have it there  
27 I can look at it, sir.

28 Q. Page 1942, Gardner was asked  
29 at line 13:

30 " Didn't you have some correspondence

it need love any even, if .0

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Page 2041

713, 08, 11

Q. Have you ever been there with

**જીવનનાં મહત્વનાં સમયો**

mind that I was in there. I may have been in

REV. 10/19/00

[illegible]

Well, that would be very difficult

for me to say. It may be five or six years

Journal of Management Education 27(1), March 2003 10-11, 2003

YOU HAD SOME OTHER INTERESTS

with Gardner about charters and pool tables

6089. Do you recall that?

NOT BE FORGOTTEN TO REPLY TO.

9. Well, whatever has sold us you

had it. Was that just a friendly action on your part?

93760 7007

A. I don't recall the actual

content of the letter but it had never got to attention

Y 1100 22 25 1916

Page 1045, Garbner was asked

1997-98

" Didn't you have a car collector in 1960?"



1 "with Peter Feeley or Vince

2 "Feeley about the gambling

3 "equipment?

4 "A. At one time I didn't

5 "have no money and I needed

6 "to -- we had been raided and

7 "I was afraid that the markings

8 "on the table cloths would tip

9 "off our operation, so I needed

10 "table cloths. I had no money

11 "so I asked Pete to send me down

12 "a couple of table cloths."

13 Does that recall it to your mind?

14 A. I recall a letter in reference  
15 to some cloths; yes, sir. I believe I do.

16 Q. I take it you just sent those  
17 along as a gesture of good-will?

18 A. That would be correct, sir.

19 Q. Did you discuss with Gardner  
20 and Finnegan the taking out of the Provincial  
21 charters in lieu of the Federal charter?

22 A. Are you referring to any specific  
23 time, sir?

24 THE COMMISSIONER: At any time.

25 MR. WILSON: Q. In 1957 or at any time?

26 A. Oh, I would say that I could  
27 very well have had a conversation of that  
28 nature with Gardner.





"With Peter Seely on Vince

"I was with him for a while

"I was with him for a while

"A. At one time I didn't

"have no money and I needed

"to -- we had been raided and

"I was with him for a while

"on the table cloth would tip

"that was the only one I had

"I was with him for a while

"so I asked Pete to send me down

"a couple of table cloths."

Does that recall it to your mind?

A. I recall a letter in reference

to some ~~XXXXXX~~; yes, sir. I believe I do.

Q. I take it you just sent those

along as a gesture of good-will?

A. That would be correct, sir.

Q. Did you discuss with Gardner

and Wingen the taking out of the Provincial

charters in lieu of the Federal charters?

A. Are you referring to any specific

THE COMMISSIONER: At any time.

MR. WILSON: Q. In 1987 or at any time?

A. Oh, I would say that I could

very well have had a conversation of that



DE/FTP/1

1 MR. WILSON: Q. If you did go to Windsor  
2 with McDermott, Herman and the architect to  
3 view the buildings, what would be the reason  
4 for that? What would be your reason for  
5 doing that?

6 A. Well, if I did go, as you put it,  
7 and I am not certain whether I did or didn't,  
8 I don't know, it may have been a trip, and  
9 other than that there would be -- it doesn't  
10 strike me now that there would be anything  
11 really significant. As I recall it, the  
12 club at Cooksville was under some sort of  
13 instructions from the Fire Marshal's Office,  
14 so that it would be rather of common interest,  
15 I would think, sir.

16 Q. Then after the raid on the  
17 Roseland in November, 1958, we have heard  
18 evidence about the participation of  
19 McDermott in the preparation for the defence  
20 of the charges. Did you have anything to do  
21 with that matter?

22 A. I don't know what evidence you  
23 are referring to in this question that you  
24 are asking me. He was down at Windsor,  
25 I know that.

26 Q. You know he was down there with  
27 the various lawyers who were engaged to  
28 defend the charges?

29 A. That is right.

30 Q. What I am asking you was, did you



Q. Now, did you go to Windsor?

A. With McDermott, Herman and the architect to view the buildings, what would be the reason for that? What would be your reason for doing that?

A. Well, if I did go, as you put it, and I am not certain whether I did or didn't, I don't know, it may have been a trip, and other than that there would be -- it doesn't strike me now that there would be anything really significant. As I recall it, the club at Gosherville was under some sort of instructions from the King Marshal's Office, so that it would be rather of common interest, I recall that.

Q. Then after the raid on that Roseland in November, 1936, we have heard evidence about the participation of McDermott in the preparation for the defense of the charges. Did you have anything to do with that matter?

A. I don't know what evidence you are referring to in this question that you are asking me. He was down at Windsor, I know that.

Q. You know he was down there with the various lawyers who were engaged to defend the charges?

A. That is right.

Q. What I am asking you was, did you





1 have any part in that?

2 A. I was not down in Windsor.

3 Q. I know you were not. Did you pay  
4 any part of the cost of the defence of the  
5 charges to these various lawyers?

6 A. I don't recall, sir; I don't  
7 recall paying any costs, sir.

8 Q. Well, we have had evidence that  
9 McDermott paid certain moneys.

10 A. He may have, sir. I couldn't---

11 Q. Did you share in the cost under  
12 those circumstances?

13 A. I may have, sir. I don't recall it.

14 Q. Do you recall that following the sentence  
15 of Curly Gardner, he was taken to Mimico Jail?

16 A. Yes, I believe he came to Mimico  
17 Jail, I recall that.

18 Q. Did you have anything to do with  
19 the transfer of Gardner from Windsor to Mimico?

20 THE COMMISSIONER: Will you answer?

21 A. I am trying to think. Not to my  
22 recollection. I don't recall having anything  
23 to do with that at all.

24 Q. Did you pay Herman's fees in  
25 connection with that transfer?

26 A. I don't recall paying Mr. Herman  
27 for that, Mr. Wilson.

28 Q. Well, we have evidence that  
29 Gardner's and Finnigan's families were in  
30 receipt of moneys while they were in jail. Did



Q. Now, you say in 1911, I don't know you were not. Did you pay  
any part of the cost of the defense of the  
charged to these various lawyers?  
A. I don't recall, sir; I don't  
recall paying any costs, sir.  
Q. Well, we have had evidence that  
certainly paid certain costs.  
A. He may have, sir. I couldn't--  
Q. Did you name in the cost under  
these circumstances?  
A. I can't name, sir. I don't recall it.  
Q. Do you recall that following the residence  
of Garry Gardner, he was taken to Minnie Jolly?  
A. Yes, I believe he came to Minnie  
Jolly, I really can't.  
Q. Did you have anything to do with  
the transfer of Gardner from Windsor to Minnie?  
THE COMMISSIONER: Will you answer?  
A. I am trying to think. Not to my  
recollection, I don't recall having anything  
to do with that at all.  
Q. Did you say Herman's fees in  
connection with that transfer?  
A. I don't recall paying Mr. Herman  
for that, sir, either.  
Q. Well, we have evidence that  
Gardner's and Winickson's families were in  
receipt of money while they were in jail, who





1 you pay any part of that?

2 A. I would think so; I would think  
3 so, sir. The details or the amounts I just  
4 wouldn't know too much about.

5 Q. Now, there was a mortgage dated  
6 May 5th, 1958, wherein Gardner mortgaged his  
7 Windsor residence to David Humphrey.

8 THE COMMISSIONER: Wait a moment. Have  
9 you left the subject of payments to Gardner's  
10 and Finnigan's families while Gardner and  
11 Finnigan were in jail? Have you left that?

12 MR. WILSON: I had, Mr. Commissioner, yes.

13 THE COMMISSIONER: The witness says  
14 he thinks he did pay part of those payments.

15 A. I could have, sir. I don't  
16 recall any specific payment, but I could  
17 have advanced Gardner some money when he was  
18 in jail, or his family.

19 Q. Why?

20 A. Through the Governor.

21 Q. Why?

22 A. Well, over the years Gardner was  
23 a gambler, and he came to Cooksville and  
24 gambled in Cooksville for years.

25 Q. Yes?

26 A. And probably lost money there.  
27 I never ever kept track of it. I don't know  
28 whether he did or not, but if he came in to  
29 \$10 million to-morrow in a day or two he would  
30 be broke because he would gamble it all away.





1 you pay any part of that?

2 A. I would think not. I would think

3 so, sir. The details on the amount I just

4 wouldn't know too much about.

5 Q. Now, there was a mortgage dated

6 May 25th, 1928, wherein Gardner mortgaged his

7 interest in the property to the

8 THE COMMISSIONER: Wait a moment. Have

9 you lost the subject of payments to Gardner's

10 and Hingham's families while Gardner and

11 Hingham were in jail? Have you lost that?

12 A. Yes, sir. I lost it, Commissioner.

13 THE COMMISSIONER: The witness says

14 he thinks he did pay part of those payments.

15 A. I could have, sir. I don't

16 recall any specific payment, but I could

17 have advanced Gardner some money when he was

18 in jail, or his family.

19 A. Through the Governor.

20 Q. Why?

21 A. Well, over the years Gardner was

22 a gambler, and he came to Gookaville and

23 gambled in Gookaville for years.

24 Q. Yes?

25 A. And probably lost money there.

26 I never ever kept track of it. I don't know

27 whether he did or not, but if he came in to

28 the station he would have to pay for his

29 be broke because he would gamble it all away.



1 Q. Yes?

2 A. And I considered Gardner an excellent  
3 customer.

4 Q. There were other people who lost  
5 substantial sums of money at the Centre Road  
6 Club?

7 A. There very well may have been.

8 Q. There were in fact?

9 A. Probably there were, sir.

10 Q. You considered them good customers?

11 A. Probably, sir.

12 Q. Were you ever generous enough to  
13 remit anything to them or their kin?

14 A. Oh, over the years I would say I  
15 was generous on many occasions.

16 Q. Can you tell me -- write it down  
17 if you like -- to whom you were thus generous?

18 A. No, I don't just recall.

19 Q. You can't recall?

20 A. The particular incident, I mean.

21 Q. When you loaned money to Riley  
22 your generosity did not extend far enough to  
23 wipe that off -- the deed to the farm?

24 A. Possibly Mr. Riley ---

25 Q. Riley was a good customer too?

26 A. Possibly Mr. Riley, I don't know  
27 what, how he would work out. I know he lost  
28 a lot of money with Mr. Taylor down at the  
29 Ontario Jockey Club. I don't know if Mr.  
30 Taylor ever gave him any money back.



Q. Yes?

A. And I considered that an excellent

Q. There were other people who had

Q. I don't know if any of the other

Q. Glad?

A. There very well may have been.

Q. There were in fact?

A. Probably there were, sir.

Q. The committee had representatives

A. Probably, sir.

Q. How many representatives were there?

Q. I don't know, sir.

Q. How many of them were there?

Q. I don't know, sir.

Q. Can you tell me -- write it down

Q. I don't know -- I don't know.

A. No, I don't just recall.

Q. You can't recall?

Q. The committee, I mean.

Q. When you loaned money to Riley

Q. Your generosity did not extend far enough to

Q. I don't know -- the deed to the farm?

A. I don't know, sir.

Q. Riley was a good customer too?

A. Possibly Mr. Riley, I don't know.

Q. Now, how he would work out. I know he lost

Q. A lot of money with Mr. Taylor down at the

Q. Ontario Jockey Club. I don't know if Mr.

Q. I don't know, sir.





1 Q. He lost a lot of money at your  
2 place, too, didn't he?

3 A. I couldn't swear to that one way  
4 or the other, because I wouldn't keep track of  
5 who won or who lost.

6 Q. He got the money from you at your  
7 place, these sums that you said you gave to  
8 him in dribs and drabs?

9 A. I am sorry, sir, I lost you. I  
10 thought your question to me was that he lost  
11 a lot of money over the years.

12 Q. My last statement to you -- do  
13 you agree or disagree that the money you  
14 gave Riley in dribs and drabs was always  
15 given to him out of the Centre Road Club?

16 A. That may be true.

17 Q. Yes, at a time when he was  
18 gambling at the Centre Road Club?

19 A. I couldn't swear to that, sir.

20 Q. Well, he just wasn't there  
21 looking on, was he?

22 A. I just don't recall.

23 Q. Let us take it as a matter of  
24 probability. He was there for the purpose  
25 of gambling. He lost this money and you  
26 loaned him money?

27 A. That may have been so.

28 Q. Yes, and I am saying your  
29 generosity did not carry you to the point  
30 where you said, "Well, we will wipe that off."



Q. He lost a lot of money at your

place, too, didn't he?

A. I couldn't swear to that one way

or the other, because I wouldn't keep track of

the money he lost.

Q. He got the money from you at your

place, these arms that you said you gave to

him in drink and drugs?

A. I am sorry, sir, I lost you. I

thought your question to me was that he lost

a lot of money over the years.

Q. My last statement to you -- do

you agree or disagree that the money you

gave Riley in drink and drugs was always

given to him out of the Gentile Road Club?

A. That may be true.

Q. Yes, sir, was that all the

gambling at the Gentile Road Club?

A. I couldn't swear to that, sir.

Q. Well, sir, was that all the

looking on, was he?

A. I am sorry, sir, I am saying you

lost us take it as a matter of

probability. He was there for the purpose

of gambling. He lost this money and you

lost his money?

A. That may have been so.

Q. Yes, and I am saying you

generously did not carry you to the point

where you said, "Well, we will take that off."





1       Instead of that you took a deed to his farm?

2               A.       Maybe Riley lost what he won there  
3       some place else. I would have no knowledge of  
4       that. He may have won every time he came  
5       there, and he may have taken that money and  
6       lost it in the Grain Exchange or at the  
7       race track, or any other place. I would  
8       have no way of knowing that.

9               Q.       I suppose the same thing applies  
10       to Gardner. He was an inveterate gambler,  
11       gambled at race tracks, gambled on the dogs?

12              A.       Would gamble on anything. If  
13       there were a couple of flies there now he  
14       would bet you whatever he had in his pocket  
15       which one would fly off first.

16              Q.       And he may have won money at  
17       your place and lost it at the race track  
18       or dogs?

19              A.       I was satisfied in my mind that  
20       Gardner was broke when I had won money  
21       off him.

22              Q.       I see, but you weren't satisfied  
23       when Riley was broke that you did win money  
24       off him, isn't that your explanation?

25              A.       No, that is not my explanation.

26              Q.       Then I misunderstood.

27              A.       That is what you said, sir. My  
28       explanation is that Riley wanted to sell his  
29       farm.

30              Q.       In order to pay the debt that he





Instead of that you took a good to his farm?

A. Maybe Riley lost what he won there.

some place else. I would have no knowledge of

that. He may have won every time he came

there, and he may have taken that money and

lost it in the Grain Exchange or at the

some other place.

have no way of knowing that.

Q. I suppose the same thing applies

to Gardner. He was an investor gambler.

gambled at race track, gambled on the dogs?

A. Would gamble on anything. If

there were a couple of times there now he

would bet you whatever he had in his pocket,

which one would fly off that.

Q. And he may have won money at

your place and lost it at the race track

or dogs?

A. I was satisfied in my mind that

Gardner was broke when I had won money

off him.

Q. I see, and you didn't explain

when Riley was broke that you did win money

off him, isn't that your explanation?

A. No, that is not my explanation.

Q. Then I misunderstood.

A. That is what you said, sir. My

explanation is that Riley was broke when I

lost.

Q. In order to pay the debt that he



1        owed you?

2            A.        I didn't say that. He wanted to

3        sell his farm.

4            Q.        He wasn't going to sell a farm ---

5            A.        He had three or four farms. He

6        wanted to sell his farm.

7            Q.        He wasn't going to sell for \$15,000

8        to you a farm that had been valued at \$35,000,

9        I shouldn't have thought?

10          A.        I shouldn't have thought so either,

11        sir, but apparently the going rate was not

12        even \$15,000 when I went to sell it.

13          Q.        I see.

14          A.        Because it only netted \$8,000.

15          Q.        Well, you make that distinction

16        between Gardner and Riley that you have

17        just given?

18          A.        Yes, that is to the best of my

19        ability, sir.

20          Q.        All right.

21                MR. WILSON: Q. In May, 1958, there

22        was a mortgage taken by David Humphrey for

23        \$15,000 on Gardner's residence in Windsor.

24        What do you know about that transaction?

25          A.        As I recall that, sir, my

26        knowledge of that is that this mortgage was --

27        I believe this is when Gardner was out of jail

28        now, if we are both talking about the same

29        deal, Gardner has come out of jail at this

30        time, and I believe that Mrs. Gardner had



owed you?

A. I didn't say that. He wanted to

sell the farm.

Q. He wasn't going to sell a farm --

A. He had three or four farms. He

wanted to sell his farm.

Q. He wasn't going to sell for \$15,000

to you a farm that had been valued at \$35,000,

I wouldn't say that.

A. I shouldn't have thought so either.

Q. You wouldn't say that you saw the

even \$15,000 when I went to sell it.

Q. I see.

A. I don't know what you mean.

Q. You don't know what I mean?

between Gardner and Wiley that you have

just given?

A. Yes, that is to the best of my

ability, yes.

Q. All right.

A. Yes, that is to the best of my

was a mortgage taken by David Humphrey for

\$15,000 on Gardner's residence in Windsor.

What do you know about that transaction?

A. As I recall that, yes, my

knowledge of that is that this mortgage was --

I believe this is when Gardner was out of jail.

now, if we are both talking about the same

deal, Gardner has come out of jail at this

time, and I believe that Mr. Gardner had





1 spoken to McDermott and asked his advice. She  
2 felt that she would like to have some kind of a  
3 lien or mortgage or something on the house,  
4 because Gardner had been gambling all his  
5 life and they hadn't any money. It was sort  
6 of a protective measure, as I recall the  
7 incident, sir. Mrs. Gardner wanted to  
8 have something on that, some kind of lien,  
9 so that it would appear Gardner could not  
10 come out of jail and go out and raise money  
11 on the house, because she was of the opinion  
12 that Gardner would borrow if he could on  
13 the house and they may lose the house.

14 Q. So it was just a fictitious  
15 transaction and there was no money changed  
16 hands?

17 A. No, not as I recall, sir.

18 Q. Did you visit Gardner while he  
19 was in jail at Mimico?

20 A. Yes, I did, sir.

21 Q. And after he came out did he  
22 spend the first night out with you?

23 A. I believe he did, sir.

24 Q. And while he was in jail did  
25 you discuss his release on a number of times  
26 with Herman?

27 A. I may have discussed it with Mr.  
28 Herman. I don't know. The second part of  
29 your question, the number of times, I could  
30 very well have discussed his release with Mr.



...the fact she would like to have some kind of a  
 plan or mortgage or something on the house,  
 because Gardner had been gambling all his  
 life and they hadn't any money. It was some  
 of a protective measure, as I recall the  
 testimony, that was made known to the  
 court. I think it was said that he  
 no that it would appear Gardner could not  
 come out of jail and go out and raise money  
 on the house, because she was of the opinion  
 that Gardner would borrow if he could on  
 the house and they may lose the house.  
 Q. So it was just a fictitious  
 transaction and there was no money involved.  
 A. Yes, that's correct.  
 Q. Did you visit Gardner while he  
 was in jail at Winnetka?  
 A. Yes, I did, sir.  
 Q. And after he came out did he  
 spend the first night out with you?  
 A. I believe he did, sir.  
 Q. And while he was in jail did  
 you discuss his release on a number of times  
 with Hermann?  
 A. I may have discussed it with Mr.  
 Hermann. I don't know. The second part of  
 your question, the number of times, I could  
 very well have discussed his release with Mr.





1 Herman, yes, sir.

2 Q. Mr. Herman in his evidence at  
3 page 6691 says:

4 "I discussed it on at least two other  
5 "occasions --- "

6 Starting at the bottom of 6690:

7 "And did you have anything else to do

8 "with his discharge from jail in

9 "April, 1958, apart from the writing

10 "of that?" --

11 Referring to certain documents sent to Ottawa --

12 "A. I had discussed it on at least

13 "two other occasions with Mr.

14 "McDermott. Mr. McDermott -- Mr.

15 "Feeley was -- whether he was in

16 "on this occasion or not -- I had

17 "discussed it with him on several

18 "occasions"

19 Now, what was your interest in trying to  
20 obtain the release of Gardner before his time  
21 was up?

22 A. Well, Gardner, on my visit to  
23 see Gardner in jail, and it seems to me I  
24 had seen him maybe -- oh, I would only be  
25 guessing -- maybe three or four times during  
26 the course of his confinement -- Gardner  
27 told me that he had a couple of heart attacks  
28 and he was in morbid fear of dying in jail.

29 Q. So you were just doing it as  
30 a friend, I take it then?





a friend, I take it, eh?

Q. No you were just doing it as

and he was in mortal fear of dying in jail.

told me that he had a couple of heart attacks

the course of his confinement -- Gardner

guessing -- maybe twice or four times during

had seen him maybe -- oh, I would only be

see Gardner in jail, and it seems to me I

A. Well, Gardner, on my visit to

was up?

obtain the release of Gardner before his time

Now, what was your interest in trying to

"discussed it with him on several

"on this occasion or not -- I had

"Feely was -- whether he was in

"McDonnell. Mr. McDonnell -- Mr.

"two other occasions with Mr.

"A. I had discussed it on at least

Referring to certain documents sent to Gardner --

"Of that?" --

"April, 1938, spent from the writing

"with his discharge from jail in

"And did you have anything else to do

starting at the bottom of 3630:

"occasions --"

"I discussed it on at least two other

page 3631 again:

Q. Mr. Hansen in his evidence at

Hansen, was, etc.



1 A. Well, maybe sort of a selfish  
2 interest in view of the fact that if Gardner  
3 was back and made some money, he would  
4 probably be around again, and I must admit  
5 that I probably had that in the back of  
6 my mind.

7 Q. You say he gambled with you. I  
8 thought his evidence was he was in the Centre  
9 Road Club twice. Do you say he was there  
10 more than twice?

11 A. I would say he was, sir. I  
12 couldn't swear any ---

13 Q. Are you suggesting he lost a lot  
14 of money on the two occasions that he gambled  
15 at Centre Road?

16 A. No, I am suggesting that he was  
17 there more than that, sir.

18 Q. How much do you say he lost on  
19 the occasions that he was there?

20 THE COMMISSIONER: You don't know, do you?

21 A. Well, I wouldn't know that.

22 Q. You don't know whether he lost  
23 or won?

24 A. I wouldn't know that, whether he  
25 won or lost, but whenever Gardner had money  
26 he was a good customer. I didn't matter to  
27 me whether he, in particular, or anybody else,  
28 won or lost, because it was just a matter  
29 that if you had a good player like that they  
30 wanted to play all the time. He would lose



A. Well, maybe sort of a selfish

interest in view of the fact that if Gardner

was back and made some money, he would

probably be around again, and I was afraid

that I probably had that in the back of

Q. You say he gambled with you, I

thought his evidence was in the Centre

Head Club twice. Do you say he was there

A. I would say he was, sir. I

Q. Anyon suggesting he lost a lot

of money on the two occasions that he gambled

at Centre Road?

A. No, I am suggesting that he was

Q. How much do you say he lost on

the occasions that he was there?

THE COMMISSIONER: You don't know, do you?

A. Well, I wouldn't know that.

Q. You don't know whether he lost

A. I wouldn't know that, whether he

won or lost, but whenever Gardner had money

it was a good customer. I didn't expect to

see whether he, in particular, or anybody else,

won or lost, because it was just a matter

that if you had a good player like that they

wanted to play all the time. He would lose





1 sometimes.

MR. WILSON;

2 Q. Your interest was that because a  
3 man might have been in your club a couple of  
4 times and lived in Windsor and carried on a  
5 gambling operation there, that if you got  
6 him out soon he might get back into your  
7 club?

8 A. I may have mis--- I said  
9 probably I had that in the back of my mind.  
10 That was not my first concern. He was a  
11 gambler, the same as I was. There was a  
12 common thing to help him out. The fellow  
13 was broke.

14 Q. After he got out in September  
15 of 1959, you had some threats from Gardner,  
16 didn't you, you and McDermott?

17 A. I seen Gardner at the apartment.  
18 He was in Toronto several times after he  
19 got out.

20 Q. What was he doing then, demanding  
21 money from you and McDermott?

22 A. Well, when Gardner got out of  
23 Mimico I was of the -- this is my own  
24 personal opinion -- I was of the opinion  
25 that he was emotionally upset.

26 Q. All right. Well, did he or did  
27 he not make demands on McDermott and yourself  
28 for money?

29 A. I never really -- he wrote a  
30 couple of letters to McDermott, and just the



somewhere. Your interest was that because a  
 man might have been in your club a couple of  
 times and lived in Windsor and carried on a  
 gambling operation there, that if you got  
 him out soon he might get back into your  
 club.  
 A. I may have mis--- I said  
 probably I had that in the back of my mind.  
 That was not my first concern. He was a  
 gambler, the same as I was. There was a  
 common thing to help him out. The fellow  
 was broke.  
 Q. After he got out in September  
 of 1939, you had some threats from Gardner,  
 didn't you, you and McDermott?  
 A. I seen Gardner at the apartment.  
 He was in Toronto several times after he  
 got out.  
 Q. What was he doing then, demanding  
 money from you and McDermott?  
 A. Well, when Gardner got out of  
 prison I was of the -- this is my own  
 personal opinion -- I was of the opinion  
 that he was pretty much broke.  
 Q. All right. Well, did he at all  
 he not make demands on McDermott and yourself  
 for money?  
 A. I never really -- he wrote a  
 couple of letters to McDermott, and that the

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1 exact texts of those letters I don't recall that.  
2 We, McDermott and I, discussed it, discussions  
3 and requests for money, and we were both of  
4 the opinion that he was a little mentally  
5 unbalanced during this period of time, so  
6 that we did not ---

7 Q. What was his basis, as he put it  
8 forward, what was his basis for demanding  
9 money from McDermott and you in 1959?

10 A. Well, I recall one time -- maybe  
11 this could help you, Mr. Wilson -- I recall  
12 one time in particular that we were discussing  
13 money. It was, I believe, in the Jordan Club  
14 on Adelaide Street. He came on down from  
15 Windsor some time prior to that meeting,  
16 which I don't know the exact date of, and  
17 he had a big briefcase and some maps, big  
18 bundle of maps about so. He claimed that  
19 he had been in touch with some shipping  
20 company that was going to sell him a ship,  
21 and that these plans were how he was going  
22 to convert the ship into a gambling casino  
23 and run it down the Detroit River, run a  
24 gambling casino out in the Detroit River.

25 So that as I recall that occasion he  
26 needed, I believe the figure was, somewhere  
27 in around eighty or ninety thousand dollars,  
28 but I just put that down to sort of a mental  
29 condition.

30 Q. Is it not a fact that he made





exact facts of these letters I don't recall that.

We, McDermott and I, discussed it, discussions

and requests for money, and we were both of

the opinion that he was a little mentally

unbalanced during this period of time, so

that we did not ---

Q. What was his state, as he put it

forward, what was his state for demanding

money from McDermott and you in 1937?

A. Well, I recall that at that time

was in the hospital, Mr. McDermott was

one time in particular that we were discussing

money. It was, I believe, in the Jordan Club

on Adelaide Street. He came on down from

Chicago and was very excited

which I don't know the exact date of, and

he had a big pretense and some money, big

bundle of maps about so. He claimed that

he had been in touch with some shipping

company that was going to sell him a ship,

and that these plans were how he was going

to convert the ship into a gambling casino

and run it down the Detroit River, run a

gambling casino out in the Detroit River.

So that as I recall that occasion he

needed, I believe the figure was, somewhere

in around eighty or ninety thousand dollars,

but I just put that down to sort of a mental

impression.

Q. Is it not a fact that he was



1 demands on you for money, the two of you, and  
2 was not really asking for a loan? He made  
3 demands on you for money?

4 A. Well, there again ---

5 Q. Answer that "yes" or "no" without  
6 a long explanation, and if you want to give  
7 an explanation after, fine.

8 MR. ROSE: Mr. Commissioner, some questions  
9 cannot be answered "yes" or "no".

10 THE COMMISSIONER: Well, that one can.

11 THE WITNESS: I never considered Gardner's  
12 requests for loans of money or money as demands.  
13 Even with postcards that McDermott had  
14 received on some occasions, I was satisfied  
15 that he was a little mentally unbalanced.

16 THE COMMISSIONER: Well, you went to the  
17 Provincial Police about it.

18 MR. WILSON: I was just coming to that,  
19 Mr. Commissioner.

20 Q. You had Humphrey go to the Provincial  
21 Police to complain about these threats and  
22 demands for money, didn't you?

23 A. Yes, I believe Mr. Humphrey made  
24 representations to Mr. Clark and Mr. Kennedy.

25 Q. Yes, but he was acting on the  
26 instructions of McDermott and yourself in so  
27 doing?

28 A. That would be correct, sir.

29 Q. So he was making demands for  
30 money from McDermott and yourself?



demands on you for money, the two of you, and

was not really asking for a loan? He made

demands on you for money?

A. Well, there again --

Q. --

a long explanation, and if you want to give

an explanation after, fine.

Q. --

cannot be answered "yes" or "no".

THE COMMISSIONER: Well, that one can.

THE WITNESS: I never solicited Gardner's

requests for loans of money or money as demands.

Even with postcards that Mervyn had

received on some occasions, I was satisfied

that he was a fairly wealthy man.

THE COMMISSIONER: Well, you went to the

Western Union Building.

MR. WILSON: I was just going to that.

Q. --

Q. You had Humphrey go to the Provisional

Office to get the money that was there and

bring it back to the office?

A. Yes, I believe that is correct.

representations to Mr. Clark and Mr. Kennedy.

Q. Yes, but he was acting on the

instructions of Mervyn and yourself in so

doing?

A. That would be correct, sir.

Q. So he was making demands for

money from Mervyn and yourself?





1 A. Well, there again, sir, it is a  
2 question of calling them "demands", and you  
3 may call them demands. I and McDermott  
4 were of the opinion that the man was sick  
5 and was not responsible for what he was  
6 doing.

7 Q. Then we have the evidence of  
8 Gardner that when he was here in Toronto,  
9 that John Papalia was looking for him at  
10 the King Edward Hotel. Did you have any  
11 knowledge of that?

12 A. No, I have no knowledge of that,  
13 sir.

14 Q. In 1959 what was the relationship  
15 of Papalia to the Centre Road operations?

16 A. In 1959, sir?

17 Q. Yes.

18 A. None to my knowledge.

19 Q. Did he ever have any interest in  
20 the Centre Road operation?

21 A. No, sir.

22 Q. Did you ever employ him for any  
23 purpose in connection with that operation?

24 A. No, sir.

25 Q. Did he play there from time to  
26 time?

27 A. Yes, I would think that he would  
28 be there on, maybe, two or three occasions,  
29 to the best of my knowledge, sir.

30 Q. Turning to the Tisdale Club,



A. Well, there again, sir, it is a question of calling them "demands", and you may call them demands. I and McBerrett were of the opinion that the man was sick and was not responsible for what he was doing.

Q. Then we have the evidence of Gardner that when he was here in Toronto that John Hepala was looking for him at the time that he was here.

A. No, I have no knowledge of that, sir.

Q. In 1959 what was the relationship of Hepala to the Centre Road operation?

A. In 1959, sir?

A. None to my knowledge.

Q. Did he ever have any interest in the Centre Road operation?

A. No, sir.

Q. Did you ever employ him for any purpose in connection with that operation?

A. No, sir.

Q. Did he pray there from time to time?

A. Yes, I would think that he would

be there on, maybe, two or three occasions,

to the best of my knowledge, sir.

A. That is all, sir.





1 339½ George Street North, Peterborough, which  
2 is a branch of the Tisdale Club of South  
3 Porcupine, which we have been told was a  
4 gambling establishment which resulted in a  
5 conviction of Neil Harrington and a number  
6 of others: We have had evidence here of  
7 Sol Gebirtig who states that McDermott and  
8 yourself were the moving spirits behind the  
9 Tisdale Club. Do you agree with that  
10 statement?

11 A. I don't know what Mr. Gebirtig's  
12 analysis of that statement is, so that I  
13 could not very well agree with it, sir.

14 Q. You used Gebirtig quite a bit  
15 for various legal matters which you required  
16 to be done?

17 A. I have known Mr. Gebirtig for many  
18 years, yes, sir.

19 Q. And also he was, I take it, a  
20 personal friend of McDermott and yourself?

21 A. I never entertained with him  
22 socially, no, sir.

23 THE COMMISSIONER: No one suggests that,  
24 but you were close enough to go on a fishing  
25 trip together, anyhow?

26 A. Yes, sir, once or twice, maybe  
27 three times.

28 MR. WILSON Q. When Mr. Gebirtig said  
29 that the two of you were the moving spirits  
30 behind the Tisdale Club, why would he say that



[illegible]

is a branch of the Tiedals with a South

porcupine, which we have been told was a

gaining establishment which resulted in a

conviction of Neil Hamilton and a number

of others: We have had evidence here of

Sol Gubitsky who stated that McArthur had

[illegible]

1997-07-10 09:00 AM - 10:00 AM

A. I don't know what Mr. DeBartolo's

I find no statement as to my name

should not very well agree with it, and

For various legal matters which you requested

A. I have known Mr. DeBette for many

... ..



1 if it was not true?

2 A. Well, sir, I don't know what he  
3 meant by it so that I don't know why he  
4 would.

5 Q. Well, did you have any interest  
6 in this Tisdale Club in Peterborough?

7 A. No, sir.

8 Q. None whatsoever?

9 A. None whatsoever.

10 Q. Did McDermott, to your knowledge,  
11 have any interest?

12 A. No, sir. Maybe a friendly interest  
13 with Harrington.

14 Q. Then why did McDermott and yourself  
15 engage Humphrey and others to go down and  
16 defend Harrington and the rest of them?

17 A. Well, sir, I have known Harrington  
18 and Horton for many, many years, and if I  
19 remember correctly it was either Harrington  
20 or Horton (and I cannot be certain) that I  
21 think originally introduced McDermott and  
22 myself, or myself, to Mr. Humphrey.

23 Q. Well, that is beside the point,  
24 is it not? Why were you engaging counsel  
25 and paying them to go down there and defend  
26 these people?

27 A. Well, I don't know if I or  
28 McDermott and myself did in fact pay any  
29 counsel that acted on their behalf, but if  
30 that was so it would be repaid by Harrington



12. Is it not true?

A. Well, sir, I don't know what he

would.

Well, didn't you have any interest

in that matter?

No, sir.

None whatsoever?

None whatever.

All right, sir, I am satisfied.

have any interest?

No, sir, I have no interest.

None whatever.

That was the whole of it, was it?

That was the whole of it, was it?

Defend Harrington and the rest of them?

A. Well, sir, I have known Harrington

and Norton for many, many years, and in I

think originally introduced Webster and

on Norton (and I cannot be certain) that I

think originally introduced Webster and

Webster, on myself, to Mr. Webster.

Well, that is during the time,

is it not? Why were you engaged counsel

and paying them to go down there and defend

these people?

A. Well, I don't know if I or

Webster and myself did in fact pay any

counsel that acted on their behalf, but if

and the fact is that we paid no money





1 at some later stage.

2 Q. Did you have anything to do with  
3 what has been known as the Parkdale Recreation  
4 Club in St. Catharines?

5 A. No, sir.

6 Q. Did you ever have any negotiations  
7 with any of the people interested in that  
8 club?

9 A. I have met a fellow by the name  
10 of Taube, I think his name is, on one or two  
11 occasions, I believe, to the best of my  
12 knowledge, I think at Cooksville, sir.

13 Q. Exhibit 159, which is a list of  
14 telephone calls from the Gogek number,  
15 contains calls to Heit, who was mixed up in  
16 the club, to Taube?

17 A. I know Mr. Heit. I have met  
18 him on one or more occasions.

19 Q. Would that have to do with a  
20 possible association of McDermott and  
21 yourself in the operation?

22 A. No, sir.

23 Q. What would you be calling him  
24 about?

25 A. I don't recall, sir.

26 Q. You don't recall?

27 A. I don't recall ever making a call  
28 on Mr. Gogek's phone -- maybe McDermott made it,  
29 maybe I made it, I don't recall.

30 Q. And from that same number there



at some later stage.

Q. Did you have anything to do with

what has been known as the Pasadena Association

Club in St. Catherine?

A. No, sir.

Q. Did you ever have any negotiations

with any of the people interested in that

club?

A. I have met a fellow by the name

of Tupper, I think his name is, on one or two

occasions, I believe, to the best of my

knowledge, I think at Goodville, etc.

Q. Exhibit 123, which is a list of

telephone calls from the Gogek number,

contains calls to Helt, who was mixed up in

the club, is Tupper?

A. I know Mr. Helt. I have met

him on one or more occasions.

Q. Would that have to do with a

possible association of Robertson and

yourself in the past?

A. No, sir.

Q. What would you be calling him

for?

A. I don't recall, sir.

Q. Yes, sir, recall.

A. I don't recall ever making a call

on Mr. Gogek's phone -- maybe Robertson made it,

maybe I made it, I don't recall.

Q. That is all, thank you.



1 would be calls to a man named Balsom. You know  
2 Balsom, of course?

3 A. Yes, I know Balsom.

4 Q. And what would be the reason for  
5 your calls to Balsom?

6 A. I believe he was betting with  
7 McDermott, or McDermott was betting with him.  
8 I don't know, I couldn't say, sir.

9 Q. Now, the Finnish Club, you know  
10 something about the Finnish Club, don't you,  
11 which had its head office in Timmins and  
12 a branch in Toronto at 132 Sixth Street,  
13 New Toronto?

14 A. Yes, sir.

15 Q. And also at 1595 Lakeshore Road,  
16 Long Branch?

17 A. Yes, sir.

18 Q. In fact, the first property I  
19 described, 132 Sixth Street in New Toronto,  
20 you owned?

21 A. I am a partner with that.

22 Q. Along with ---

23 A. Or was, I should say.

24 Q. Yes. Now, there was a game  
25 being carried on there, wasn't there, or  
26 was it merely just a common betting house?

27 A. I believe it was a gaming --  
28 I believe it was convicted of being a common  
29 betting house.

30 Q. Common betting house?





would be called to a man named Eason. You know

Q. Now, I know Eason.

A. And what would be the reason for

Q. I believe it was a common betting house.

A. I believe it was a common betting house.

Q. Now, the witness said, you know

something about the witness said, don't you,

Q. Now, the witness said, you know

something about the witness said, don't you,

Q. Now, the witness said, you know

something about the witness said, don't you,

Q. Now, the witness said, you know

something about the witness said, don't you,

A. Yes, sir.

Q. And also at 125 Exchange Road,

Q. Now, the witness said, you know

A. Yes, sir.

Q. In fact, the first property I

described, 125 Exchange Road in New Toronto,

Q. Now, the witness said, you know

A. I am a partner with that.

Q. Now, the witness said, you know

A. Or was, I should say.

Q. Yes, now, there was a house

being carried on there, wasn't there, or

was it merely just a common betting house?

A. I believe it was a common --

I believe it was convicted of being a common

Q. Now, the witness said, you know

Common betting house?



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A. Yes, sir.

Q. Did you have anything to do with that operation?

A. I was instrumental in obtaining the charter, the Finnish Club charter, sir.

Q. Well, I am asking you whether or not you had anything to do with the betting operation that was carried on on the Finnish Club premises?

A. Yes, sir.

Q. You did, and was that true at both 132 Sixth Street, New Toronto, and 1595 Lakeshore Road?

A. Yes, sir.

Q. And there were convictions against both premises?

A. Yes, sir, I believe there was.

Q. So that there is no question, I take it then, that Gebirtig, when he says that you and McDermott were the principals in the operations of the Finnish Club, that in that case you agree with him?

THE COMMISSIONER: What is the page?

THE WITNESS: I would be inclined ---

MR. WILSON: It is page 240.

THE WITNESS: --- to go along with that statement.

THE COMMISSIONER: You go along with that statement?

A. Yes.



A. Yes, sir.

Q. And you have nothing to do with

that operation?

A. I am not sure.

Q. Well, I am asking you whether

or not you had anything to do with the

business operation that was carried on in

the State of New York?

A. Yes, sir.

Q. You did, and was that done at

1225 Lakeshore Road?

A. Yes, sir.

Q. And that was the only place

where it was done?

A. Yes, sir.

Q. And that was the only place

where it was done?

A. Yes, sir.

Q. And that was the only place

where it was done?

A. Yes, sir.

Q. And that was the only place

where it was done?

A. Yes, sir.

Q. And that was the only place

where it was done?

A. Yes, sir.

Q. And that was the only place

where it was done?

A. Yes, sir.

Q. And that was the only place





1 MR. WILSON: Mr. Commissioner, I am just  
2 going to start on a new ---

3 THE COMMISSIONER: 10.00 o'clock to-morrow  
4 morning.

5 ---Whereupon the hearing adjourned at 5.00 o'clock p.m.  
6 until 10.00 a.m., Friday, September 21, 1962.

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MR. WILSON: Mr. Commissioner, I am just

going to state on a few --

THE COMMISSIONER: 10.00 o'clock on--

---Whereupon the hearing adjourned at 5.00 o'clock p.m.

---Whereupon the hearing adjourned at 5.00 o'clock p.m.

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ROYAL COMMISSION

ON CRIME

IN ONTARIO

DAILY TRANSCRIPT  
OF PROCEEDINGS

Date Fri... Sept.. 21.. 1962,

pp 10,085 -- 10,227.



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VOLUME 50

INDEX TO WITNESSES

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FRIDAY, SEPTEMBER 21, 1962

---On resuming at 10:10 a.m.

VINCENT BERNARD PEELLY, resumed

MR. ROSE: Mr. Commissioner, I thought perhaps before Mr. Wilson went on to a new subject -- Yesterday he said he was starting something new today -- Mr. Wilson stated the books of Humphrey and Locke showed payment of legal fees of this witness over a period of time of approximately \$60,000. You may recall the witness seemed rather puzzled by that figure and didn't think it was nearly as much. Evidently Mr. Wilson got his information from the books. Last night I was speaking with both Mr. Humphrey and Mr. Locke. They told me that figure is entirely out of line. The actual figure, as shown in their books, would not be over \$13,000. There would then be the sum of \$47,000 discrepancy. The only reason I bring it to your attention before we go on to a new subject is having regard to the day and a half of examination of this witness that has taken place concerning his income tax returns and reported income and going into the expenditures, evidently with a view to ascertaining whether or not





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1 there was a great excess of expenditure over  
2 income, that the sum of \$47,000 might become  
3 rather important if the matter is pursued any  
4 further. I thought perhaps Mr. Wilson  
5 might clear that up because according to  
6 Humphrey and Locke, the figure is absolutely  
7 out of line.

8 MR. WILSON: Mr. Commissioner, the figure  
9 of \$60,000 was given to me by a chartered  
10 accountant who examined the books of Humphrey  
11 and Locke. The figure is made up not  
12 merely of bills rendered to this witness and  
13 to McDermott as well, and also to the companies,  
14 in respect to companies which they control,  
15 so it isn't all personal accounts in that period.  
16 You might say it is all the affairs of these  
17 two people and their companies.

18 MR. ROSE: I asked Humphrey and Locke  
19 about that and they said no.

20 THE COMMISSIONER: If something turns on  
21 it ---

22 MR. WILSON: I will call the accountant  
23 if anything turns on it.

24 MR. ROSE: Fine.

25 THE COMMISSIONER: All right.

---

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27  
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*Handwritten:* The above named person was born [illegible]



EXAMINATION BY MR. WILSON (Cont'd):

Q. In 1955 we have evidence by Shrubb that John Cronin made certain statements to him about front ends that were being operated by McDermott and yourself. Now, you know -- I think you told us you knew John Cronin and have had business dealings with him, haven't you?

A. Well, business dealings -- I don't know how you define that. I don't know. We haven't covered that.

Q. If we haven't, when did you first have dealings with Cronin?

A. Well, the business -- any business dealings I had with Cronin would be limited to the Dewsberry Company in which we were active together.

Q. That was after he had resigned from the Force?

A. Yes, sir. I believe it was five or six years afterwards.

Q. Did you know him when he was on the Force?

A. Yes, sir, I knew him when he was on the Force. He arrested me on several occasions.

Q. Now Shrubb, by report dated May 5th, 1955, which is Exhibit 126 ---

THE COMMISSIONER: Let me see 126.

MR. WILSON: Q. 126 on the first page,



INTERVIEW OF [Name] (Page 1)

Q. In 1964, did you have any contact with [Name]?

A. Yes, I had contact with [Name] in 1964. I was in [Location] and [Name] was in [Location]. We had a conversation and I told him that I was in [Location] and he told me that he was in [Location].

Q. Did you have any contact with [Name] in 1965?

A. Yes, I had contact with [Name] in 1965. I was in [Location] and [Name] was in [Location]. We had a conversation and I told him that I was in [Location] and he told me that he was in [Location].

Q. Did you have any contact with [Name] in 1966?

A. Yes, I had contact with [Name] in 1966. I was in [Location] and [Name] was in [Location]. We had a conversation and I told him that I was in [Location] and he told me that he was in [Location].

Q. Did you have any contact with [Name] in 1967?

A. Yes, I had contact with [Name] in 1967. I was in [Location] and [Name] was in [Location]. We had a conversation and I told him that I was in [Location] and he told me that he was in [Location].

Q. Did you have any contact with [Name] in 1968?

A. Yes, I had contact with [Name] in 1968. I was in [Location] and [Name] was in [Location]. We had a conversation and I told him that I was in [Location] and he told me that he was in [Location].

Q. Did you have any contact with [Name] in 1969?

A. Yes, I had contact with [Name] in 1969. I was in [Location] and [Name] was in [Location]. We had a conversation and I told him that I was in [Location] and he told me that he was in [Location].

Q. Did you have any contact with [Name] in 1970?

A. Yes, I had contact with [Name] in 1970. I was in [Location] and [Name] was in [Location]. We had a conversation and I told him that I was in [Location] and he told me that he was in [Location].

Q. Did you have any contact with [Name] in 1971?

A. Yes, I had contact with [Name] in 1971. I was in [Location] and [Name] was in [Location]. We had a conversation and I told him that I was in [Location] and he told me that he was in [Location].

Q. Did you have any contact with [Name] in 1972?

A. Yes, I had contact with [Name] in 1972. I was in [Location] and [Name] was in [Location]. We had a conversation and I told him that I was in [Location] and he told me that he was in [Location].





paragraph 4, Shrubbs is relating a meeting he had with John Cronin. It reads as follows:

"John Cronin's opening remarks

"to me were concerned - --"

THE COMMISSIONER: Just a moment. Thank you, I have it.

MR. WILSON: (Reading):

"John Cronin's opening remarks

"to me were concerning the

"fact that he had a share in

"the club out there referring

"to the Cooksville branch of

"the Army, Navy and Airforce

"Veterans Club, Unit 326.

"He stated that they were going

"to open up two more clubs in

"the near future, one at Fort

"Erie, Ontario, and one at Windsor,

"Ontario."

Now, first of all, did John Cronin have any interest in the operation of the club on the Centre Road, Cooksville, at any time?

A. No, sir.

Q. Then in 1955, which is the date of this meeting, that would be prior to the opening up of the Roseland, would it, in Windsor?

A. Well, the Roseland would be -- I take it you are referring to the Army and Navy charter in the Roseland?

Q. That is right.







1 A. I couldn't just be certain of  
2 the date, sir, that that charter was issued.  
3 I wouldn't know.

4 Q. Well, the record will speak for  
5 itself in that regard.

6 A. Yes.

7 Q. In the same Exhibit 126, on  
8 the second page, Shrubbs reports that Cronin  
9 made this statement of which he gives the  
10 substance:

11 "He also mentioned some matters ---"

12 THE COMMISSIONER: Just a moment.

13 MR. WILSON: It is about two-thirds of  
14 the way down on the second page, starting with,  
15 "He also mentioned some matters -- "

16 THE COMMISSIONER: Wait till I find it.  
17 Thank you, I have it.

18 MR. WILSON: (Reading):

19 "He also mentioned some matters

20 "which involved a gambling

21 "organization controlled by

22 "Joseph McDermott and Vincent

23 "Feeley. He spoke of an

24 "undercover investigation which

25 "was attempted by Provincial

26 "Constable Sweeney of that branch

27 "during the summer of 1954 with

28 "respect to the Malton Cigar Store,

29 "Malton, Ontario, a bookmaking

30 "front end operated by one Sean



A. I think I have not been to the  
the first time, but I have been to the  
the second time.  
the third time, and I have been to the  
the fourth time.  
the fifth time, and I have been to the  
the sixth time.  
the seventh time, and I have been to the  
the eighth time.  
the ninth time, and I have been to the  
the tenth time.  
the eleventh time, and I have been to the  
the twelfth time.  
the thirteenth time, and I have been to the  
the fourteenth time.  
the fifteenth time, and I have been to the  
the sixteenth time.  
the seventeenth time, and I have been to the  
the eighteenth time.  
the nineteenth time, and I have been to the  
the twentieth time.  
the twenty-first time, and I have been to the  
the twenty-second time.  
the twenty-third time, and I have been to the  
the twenty-fourth time.  
the twenty-fifth time, and I have been to the  
the twenty-sixth time.  
the twenty-seventh time, and I have been to the  
the twenty-eighth time.  
the twenty-ninth time, and I have been to the  
the thirtieth time.

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1 "McKenna and controlled by

2 "McDermott and Feeley."

3 Stopping there, is it true you did at that time  
4 control that front end, the Malton Cigar Store?

5 A. My recollection of the Malton  
6 Cigar Store, Mr. Wilson, is that I or McDermott  
7 would be instrumental in opening that premises  
8 up but it seems to me that eventually it was  
9 turned over to McKenna. I don't think --  
10 I couldn't swear that he was working for me  
11 but it seems to me I turned that over, those  
12 premises over, to McKenna.

13 Q. You opened it up?

14 A. Yes, sir.

15 Q. And at some later date, you  
16 turned it over to McKenna?

17 A. Yes, sir.

18 THE COMMISSIONER: Q. Would you explain  
19 that? You were instrumental in opening it  
20 up. What do you mean?

21 A. It was a store, sir. I believe  
22 I or McDermott -- I am not just certain --  
23 rented the premises and opened it up as a  
24 cigar store.

25 Q. A place of business?

26 A. Yes, sir.

27 Q. And carried it on, I suppose?

28 A. Yes, sir.

29 Q. Neither you nor McDermott would  
30 be there selling cigars and cigarettes in the

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They follow me I don't see it, until I'm gone, what?

...and your hand ...



1 store while you owned it. Who looked after  
2 it on your behalf?

3 A. As I recall, sir, some fellow  
4 by the name of Paul but I don't -- some friend  
5 of James Ryan's was looking after it for the  
6 period of time that I was interested in it.

7 Q. You say you turned it over to  
8 McKenna. What operation did you go through  
9 in order to turn it over to him?

10 A. I think it was probably just a  
11 conversation. There wasn't very much money  
12 involved, probably a few hundred dollars if  
13 that much. But that is the best of my  
14 recollection, sir. The procedure was just a  
15 question of changing hands or giving him the  
16 key or something and he taking over the rental  
17 of the premises.

18 Q. Would he pay you for the stock  
19 on hand?

20 A. If there was that much, I would  
21 think so. It seems to me that Ryan may have  
22 discussed it. I may have discussed it with  
23 Ryan and Ryan may in turn have discussed it  
24 with McKenna.

25 Q. What was the purpose of getting  
26 the store in the first place?

27 A. For a front end, sir.

28 Q. Do I understand the three of you  
29 had it, Ryan, McDermott and yourself?

30 A. I couldn't swear to that at this





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1 date. I believe this was back in 1954.

2 MR. WILSON: 1955.

3 THE WITNESS: '55, sir? I know McDermott  
4 and I would be concerned with it. It seems  
5 to me -- I don't recall whether Ryan had an  
6 interest in it or not, sir.

7 HIS LORDSHIP: Q. Why would Ryan be  
8 negotiating with Paul?

9 A. Ryan -- we were good friends.  
10 We knew each other. We were -- we had similar  
11 interests. We owned property together and  
12 it was someone he knew who wanted a job.

13 MR. WILSON: Q. That same exhibit,  
14 carrying on: *the [illegible] [illegible]*

15 A. "He also spoke of a recent case  
16 "investigated by the New Toronto  
17 "Police Department which involved  
18 "a gaming house charge laid at  
19 "the premises known as 135 - 5th  
20 "Street, New Toronto. This is  
21 "also a bookmaking front end  
22 "controlled by McDermott and Feeley."

23 Now is that statement true as of that time?

24 A. Well, I don't know whether it  
25 is true, sir. This charge that you speak of,  
26 I don't recall any instant that comes to me  
27 about any charge.

28 Q. Well, did you ---

29 THE COMMISSIONER: Q. I am not  
30 concerned particularly about the charge. Do



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1 you know the premises at 135 - 5th Street,  
2 New Toronto?

3 A. Yes, sir.

4 Q. What kind of premises is it?

5 A. It is a converted house.

6 Q. Converted into a store and  
7 living quarters?

8 A. Yes, sir.

9 Q. Did you have something to do  
10 with the conversion of it?

11 A. No, sir.

12 Q. Did you and McDermott rent the  
13 place?

14 A. No. Those premises belonged  
15 to Clarence Lake or some member of his family,  
16 as I recall.

17 Q. Yes. Then how did you and  
18 McDermott get into it? I don't mean physically  
19 into the premises but ---

20 A. Well, I am not too sure about  
21 the date but these premises, as I say, belonged  
22 to Lake and in and around those years, he  
23 was running a front end in there or someone  
24 was affiliated with him and I believe we had  
25 a percentage of that. I couldn't swear to  
26 dates at all, sir.

27 Q. There was a time, regardless of  
28 dates, when you and McDermott had a percentage  
29 of the take there and Lake was the man in  
30 charge. Is that what you are trying to say?



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1 A. Yes, sir.

2 MR. WILSON: Q. How would Cronin know  
3 of the interest of McDermott and yourself in  
4 those two operations as of this date?

5 A. I would have no way of knowing,  
6 sir.

7 THE COMMISSIONER: Q. He would have to  
8 learn it from you or Lake or McDermott?

9 A. I couldn't tell you that, sir.

10 Q. Pardon?

11 A. I couldn't tell you that, sir.

12 Maybe he learned it from the police, sir.

13 Q. The police wouldn't know that  
14 you and McDermott had an interest in it if you  
15 weren't there?

16 A. I have no idea how he could know  
17 anything about that, sir.

18 MR. WILSON: Q. You are not suggesting  
19 that Tiny Lake and McKenna would be going  
20 around telling the police McDermott and yourself  
21 had a piece of the operation?

22 A. I don't believe I suggested  
23 that, sir.

24 Q. No, you wouldn't suggest that.  
25 They weren't the type of men who would be  
26 going to the police and telling them McDermott  
27 and yourself had control of the operation.

28 A. I never thought about that, sir.

29 Q. No. Now when did you first  
30 meet Donald Lloyd of Chatham and under what





Q. Yes, sir.

A. Yes, sir, I would have been there.

Q. Now, you say that you were there on the 1st of May?

A. Yes, sir, I was there on the 1st of May.

Q. Now, you say that you were there on the 1st of May?

A. Yes, sir.

Q. Now, you say that you were there on the 1st of May?

A. Yes, sir, I was there on the 1st of May.

Q. Now, you say that you were there on the 1st of May?

A. Yes, sir, I was there on the 1st of May.

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Q. Now, you say that you were there on the 1st of May?

A. Yes, sir, I was there on the 1st of May.

Q. Now, you say that you were there on the 1st of May?

A. Yes, sir, I was there on the 1st of May.

Q. Now, you say that you were there on the 1st of May?

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Q. Now, you say that you were there on the 1st of May?

A. Yes, sir, I was there on the 1st of May.

Q. Now, you say that you were there on the 1st of May?

A. Yes, sir, I was there on the 1st of May.

Q. Now, you say that you were there on the 1st of May?

A. Yes, sir, I was there on the 1st of May.



1        circumstances?    I want 112 now.    I guess it  
2        is in here.

3        A.        Well, it was back in the years --  
4        I am only guessing on the date. It would be  
5        somewhere in around '55, '56, sir, or '57  
6        maybe.    I couldn't be certain of that at all.

7        Q.        And under what circumstances  
8        did you meet him?

9        A.        I went down to Chatham to his  
10       office, sir.

11       Q.        Yes. And what was the purpose  
12       of your trip to Chatham to see Mr. Lloyd?

13       A.        Well, a friend of Neil Harrington  
14       told me that he was a good friend of Mr.  
15       Lloyd's and that he would call him and tell  
16       him I was coming over and he suggested to  
17       go down and talk to him and ---

18       THE COMMISSIONER: About what?

19       A.        I didn't discuss with him what  
20       I was going to talk to Mr. Lloyd about.

21       Q.        Why would Harrington be  
22       suggesting to you you want to go and see Lloyd?

23       A.        Well, he told me that this  
24       friend of his was a good friend of Lloyd's  
25       and he would get him to call Lloyd and make  
26       an introduction for me.

27       Q.        Excuse me. I thought you said  
28       Harrington told you he was a friend of Lloyd's?

29       A.        No, sir. I said a friend of  
30       Harrington's had told him he knew Lloyd very

[illegible][illegible]





1 well and Harrington in turn told me.

2 Q. Well, why did you want to see  
3 Lloyd?

4 A. Well, I wanted to talk to Lloyd  
5 because this friend of Harrington's had told  
6 Harrington that Lloyd was a good friend of  
7 Shrubb's and my interest in talking to Lloyd  
8 was to try and find out from Lloyd what Shrubb  
9 had against me, what personal vendetta Shrubb  
10 had against me and why Shrubb on -- I am not  
11 certain whether it was the first or second  
12 occasion that he raided the club at Cookeville  
13 sought me out personally and told me that  
14 he was going to put me in jail for running  
15 this club and that he knew this club was being  
16 kept open by crooked politicians and that  
17 there was a big pay-off and that he was going  
18 to close this club. He was now in charge  
19 of the C.F.P. anti-gambling squad and was  
20 going to put this club out of business. This  
21 was my reason for going to see Lloyd, to find  
22 out what Shrubb had against me that he would  
23 tell me those things.

24 MR. WILSON: Q. I take it then when  
25 you got to Chatham and met Mr. Lloyd, you  
26 tried to find out what Shrubb had against you?

27 A. That is correct, sir.

28 Q. And what did he tell you?

29 A. Well, there again, sir, this  
30 would be only guessing but -- and I don't know



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1 our exact conversations. This is some six  
2 of seven years ago now but the general  
3 conversation that I recall having with Mr.  
4 Lloyd was that he was mixed-up sort of fellow.

5 THE COMMISSIONER: Q. Who was mixed  
6 up?

7 A. Shrubb was, and that he was very  
8 suspicious natured and thought that everything  
9 was run by crooked politicians and pay-offs.

10 MR. WILSON: Q. Now at that meeting  
11 you had with Mr. Lloyd, did you ask him to  
12 act as a go-between in an attempt to arrange  
13 a fix between the operators of the Province's  
14 gambling clubs and Shrubb?

15 A. No, sir.

16 Q. Did you tell him on this occasion  
17 or any other occasion that you were paying  
18 money to someone at Queen's Park or higher  
19 up?

20 A. No, sir.

21 Q. For protection?

22 A. I never did.

23 Q. You deny that?

24 A. Yes, sir.

25 Q. Well, regardless of whether you  
26 said that, was it true?

27 A. No, sir, it wasn't.

28 Q. Now, at page 7540 of Lloyd's  
29 evidence, Lloyd has said that he asked you  
30 if you had protection and you told him you had







1 a few friends. Do you recall making any  
2 such statement as that?

3 A. When would this be?

4 Q. This would be at your meeting  
5 with Lloyd in Chatham or at one of your  
6 other meetings. You had more than one meeting  
7 with Lloyd?

8 A. Yes, sir. I have seen Mr. Lloyd  
9 several times over the years. I don't ever  
10 recall saying that, sir.

11 Q. Do you deny it?

12 A. Well, I couldn't swear to it  
13 and I couldn't deny it. I have lots of friends,  
14 sir, so that I don't think I could swear to  
15 it one way or the other, sir.

16 Q. Well, were any of these ---

17 A. I may have said it but I don't  
18 recall ever having said it.

19  
20 (Page 10100 follows)



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1 MR. WILSON: Q. Were any of these friends  
2 doing anything to enable you to continue your  
3 illegal activities?

4 A. I don't know if I just understand  
5 you, Mr. Wilson.

6 Q. Were any of these friends - you  
7 say you have lots of friends - helping you  
8 to stay in business in a gambling establishment,  
9 whether Centre Road or elsewhere?

10 A. In what way, sir?

11 Q. In any way?

12 A. No, I wouldn't say so, sir.

13 Q. Did you ever ask any of these  
14 friends to use influence to keep you in business  
15 or to prevent the police from taking action  
16 against your various enterprises?

17 A. I never asked any man in my life  
18 to do anything like that.

19 Q. Mr. Lloyd, on a number of occasions  
20 in his examination, talks about you being  
21 supported by a higher department, or, as he  
22 calls it in his quaint language, higher --  
23 no, it isn't on that occasion. He just  
24 said higher departments, or higher ups.  
25 Do you recall making any such statements?  
26 Or, did you make such statements to Lloyd?

27 A. No, sir.

28 Q. You deny that?

29 A. Yes, sir.

30 Q. Now, did you tell Lloyd, when you



Page 1

THE UNITED STATES OF AMERICA

IN SENATE

January 10, 1910

REPORT

OF THE

COMMISSIONERS OF THE GENERAL LAND OFFICE

IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE

APRIL 10, 1898

AND

IN RESPONSE TO A RESOLUTION PASSED BY THE HOUSE OF REPRESENTATIVES

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IN RESPONSE TO A RESOLUTION PASSED BY THE HOUSE OF REPRESENTATIVES

APRIL 10, 1898

AND





1 went to Chatham, that you thought Shrubb had it  
2 in for you?

3 A. Yes, I believe I did, sir.

4 Q. And that you felt you were being  
5 harassed unjustly by Shrubb?

6 A. I believe I did, sir.

7 Q. And did you ask Lloyd to arrange  
8 a meeting for -- between Shrubb and yourself?

9 A. I don't recall asking Mr. Lloyd  
10 that. It seems to me that there was a  
11 suggestion along those lines that might  
12 have come from Mr. Lloyd, that we -- that  
13 I should possibly get together with Shrubb  
14 and try and iron out this difficulty.

15 Q. What was the difficulty?

16 A. Well, as I have told you --

17 Q. Just the harassment of your  
18 operations; was that it?

19 A. No, sir. No, it isn't, no.  
20 Shrubb had told me he was out to get me and  
21 put me in jail and close up this club; and  
22 I told Shrubb the club had been arrested,  
23 charged in the courts, acquitted by the  
24 Court of Appeal, and if he could arrest me  
25 to go right ahead and do it.

26 Q. Now, following your meeting with  
27 Lloyd did you, then, communicate with Shrubb?

28 A. That's a little difficult for  
29 me to say. I may have, sir. I have no  
30 record of the dates here of --







1 Q. Well, --

2 A. I may have, sir.

3 Q. Shrubb has sworn that on August  
4 the 16th he had a call from David (sic) Lloyd -- .

5 THE COMMISSIONER: Q. Witness, is my  
6 understanding of what you have thus far said:  
7 You wanted to talk to Shrubb face to face  
8 and have this out?

9 A. Yes, sir.

10 Q. Yes. Why did you have to go  
11 through some intermediary? Why did not you  
12 call him up and say, "Look here, Shrubb,  
13 you are making charges against me that have  
14 no justification. I want to thresh this  
15 out. What have you to say?" Why did you  
16 have to go through Donald Lloyd?

17 A. Well, him being a police officer,  
18 sir, I thought in my mind that would be the  
19 proper way to do the thing. I didn't see  
20 anything wrong with --

21 Q. You were incensed at what Shrubb  
22 had said to you?

23 A. Yes.

24 Q. I should have thought a man of  
25 your courage and forthrightness would get in  
26 touch with him yourself, direct. Why go  
27 all the way down to Chatham to have Donald  
28 Lloyd make some arrangement?

29 A. I didn't see anything very wrong  
30 with that.

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Q. I say, why the necessity for that?

A. Well, in my mind that would be the right way.

Q. Why? I cannot understand that, I will tell you quite frankly. If I had been in your shoes I would have been in touch with Shrubb.

A. He was a very high-strung -- I tried to thresh it out with him when he accused me of these things at the time.

Q. You were very indignant towards Shrubb?

A. I felt this course of action was the best thing. I couldn't talk with the

Q. I thought you went to Lloyd so you would be able to talk to him?

A. That is right, sir.

Q. Why did not you go to Shrubb direct? I am repeating my question to you. I cannot understand it.

A. I didn't see anything wrong with going to some one who knew Shrubb that might be able to talk some sense into him and find out why he was persecuting me.

Q. He was persecuting you because you were running this club, one of your operations. That is all he said; he did not have a personal vendetta against you, did he?

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1 A. I felt he did.

2 Q. All right.

3 MR. WILSON: I refer to Exhibit No. 112,  
4 Mr. Commissioner, which is a report of Shrubb's  
5 dated September 18, 1956.

6 THE COMMISSIONER: Pardon me just one  
7 moment, please.

8 Q. You thought Shrubb was an excitable,  
9 emotional sort of fellow, did you?

10 A. He displayed that -- He displayed  
11 that to me, yes, sir.

12 Q. And you thought it well to have  
13 some one else talk to him on your behalf.  
14 Is that what you are saying?

15 A. No, I don't believe I said  
16 that, sir.

17 Q. Well, some one on your behalf  
18 find out from Shrubb why he had this personal  
19 vendetta with you?

20 A. No, I wanted to talk to Shrubb  
21 but I felt that having some one there who  
22 knew the man better than I did would  
23 probably be able to talk, the two of us  
24 may be able to talk better and more  
25 sensibly.

26 Q. This man was to be in on the  
27 discussions, was he sort of to keep Shrubb  
28 with his feet on the ground?

29 A. I believe that is what I had in  
30 mind, sir.





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1 Q. But that is not what you did.  
2 You got in touch with Shrubb directly over  
3 the telephone?

4 A. I believe I spoke to Shrubb over  
5 the telephone.

6 Q. Did you change your mind?

7 A. Well, that's quite a while ago, sir.

8 Q. You must have changed your mind,  
9 if you ever had the intention of some third  
10 party being in on the discussions?

11 A. Oh, I had that intention, sir.

12 Q. You had that intention. You  
13 must have changed your mind, then, when you  
14 telephoned Shrubb direct?

15 A. Well, there, again, sir, I don't  
16 know whether I talked to -- to Lloyd first  
17 or Shrubb first, or what it is. I would  
18 only be guessing about the dates on that, sir.

19 MR. WILSON: In this report of  
20 September 18th, 1956, Exhibit 112, Shrubb  
21 records the communications he had from both  
22 Lloyd and this witness. In paragraph 2 --  
23 or, 3, rather, he says:

24 "Prior to August 18th, 1956,  
25 "I had several telephone calls  
26 "from Donald Lloyd, Chatham, Ontario,  
27 "a personal friend of mine. He  
28 "said that Vincent Feeley had  
29 "visited him and called him by  
30 "telephone, on numerous occasions



Q. Is this a copy of the original?

A. Yes, it is a copy of the original.

Q. How many copies were made?

A. I believe I made two copies.

Q. Where did you make these copies?

A. I made them at my home.

Q. What time of day did you make them?

A. I made them about the middle of the month.

Q. How long after the original was made?

A. I believe it was made about the same time.

Q. Did you make any other copies?

A. Yes, I made three more copies.

Q. How long after the first copy was made?

A. I believe it was made about the same time.

Q. How long after the second copy was made?

A. I believe it was made about the same time.

Q. How long after the third copy was made?

A. I believe it was made about the same time.

Q. How long after the fourth copy was made?

A. I believe it was made about the same time.

Q. How long after the fifth copy was made?

A. I believe it was made about the same time.

Q. How long after the sixth copy was made?

A. I believe it was made about the same time.

Q. How long after the seventh copy was made?

A. I believe it was made about the same time.

Q. How long after the eighth copy was made?

A. I believe it was made about the same time.

Q. How long after the ninth copy was made?

A. I believe it was made about the same time.





1 "and had wanted him to act as a 'go  
2 "between' in an attempt to arrange  
3 "a fix between the operators of the  
4 "gambling clubs, and this writer.  
5 "Mr. Lloyd was advised that sub-  
6 "stantial sums of money would be  
7 "made available to him to be  
8 "passed on to me if such arrange-  
9 "ments could be made. The  
10 "offers were declined but it led  
11 "to V. Feeley wanting Mr. Lloyd  
12 "to arrange a meeting with myself  
13 "and Feeley. The offer of this  
14 "meeting was also declined."

15 Now, you have already denied that you  
16 asked Lloyd to act as a go between and that  
17 you were attempting to arrange a fix. Do  
18 you still want to deny that?

19 A. Yes, sir.

20 Q. And do you deny that you told  
21 Lloyd that substantial sums of money would  
22 be available to him to be passed on to  
23 Shrubb?

24 A. Yes, sir, emphatically.

25 Q. Would Lloyd have - he said this  
26 to Shrubb - would he have any reason, as far  
27 as his relations to you, to lie about  
28 anything that took place between the two  
29 of you?

30 A. I just didn't quite follow you,



"and had visited him on the 1st."

"He was in the city to attend"

"the trial of the case of the"

"Latterly, however, and was very"

"well. He had been visiting him for"

"several days of money and he"

"was very well. He had been"

"visiting him for several days"

"and was very well. He had"

"been visiting him for several"

"days and was very well. He"

"had been visiting him for"

"several days and was very"

"well. He had been visiting"

"him for several days and was"

"very well. He had been"

"visiting him for several days"

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"very well. He had been"

"visiting him for several days"

"and was very well. He had"

"been visiting him for several"

"days and was very well. He"

"had been visiting him for"





1 Mr. Wilson.

2 Q. Had you any difference of opinion  
3 with Lloyd at the time of this meeting, or  
4 were you on friendly terms following that first  
5 meeting?

6 A. The first time I met Mr. Lloyd?

7 Q. Yes. You continued on friendly  
8 terms with him after that time?

9 A. Oh, yes, sir.

10 Q. Because you saw him from time to  
11 time after that in Chatham and in Toronto?

12 A. Yes, sir.

13 Q. Now, did he or did he not decline  
14 to arrange the meeting between Shrubb and  
15 yourself?

16 A. Well, as I recall it, sir, he  
17 on  
18 did tell me on one or maybe more occasions that  
19 he would try to arrange to get us together.

20 Q. Then, the report, Exhibit 112,  
21 goes on in paragraph 4 and Shrubb says on  
22 August the 18th, 1956, he had a telephone  
23 call from you and that you wanted to see  
24 him to discuss matters that you thought  
25 he might be interested in. Now, would  
26 that be right, matters that you told him  
27 could not be discussed over the telephone?

28 A. I don't know the dates, sir. I  
29 couldn't swear to that or to this particular  
30 call that you are referring to; but possibly  
Shrubb on one of his telephone calls to me







1 may have indicated he wanted to get together with  
2 me, sir.

3 Q. You are suggesting, are you, that  
4 following your meeting with Lloyd that it  
5 was Shrubb that called you and suggested that  
6 you get together?

7 A. Oh, Shrubb called me several  
8 times, sir.

9 Q. No. The original meeting  
10 between you, was that as a result of calls  
11 you made to Shrubb, as he has sworn to and  
12 which he records in this Exhibit 112, on  
13 some three occasions - August the 18th,  
14 August the 29th and August the 30th? Now,  
15 he says three times you called him, as a  
16 result of which, on August the 31st, 1956,  
17 the two of you met for the first time,  
18 according to his evidence. Now, is his  
19 story true or not?

20 A. That we met, sir?

21 Q. No, that you called him three  
22 times on the dates I have mentioned and asked  
23 him to meet with you because, finally, you  
24 said you had some legitimate business  
25 proposition to discuss with him?

26 A. Well, sir, I couldn't -- I  
27 couldn't swear whether I called him three  
28 times or not. He called me and what I was  
29 trying to explain to you was that possibly  
30 if I did call him on three occasions, which







1 I would have no way of knowing now because I  
2 spoke to Shrubb many times over the years,  
3 but it was probably from prior phone calls  
4 that I had had from him and upon his assistance (sic)  
5 that we got together.

6 Q. Are you saying the first meeting  
7 that took place between Shrubb and yourself  
8 was as a result of calls initiated by  
9 Shrubb rather than yourself?

10 A. Sir, what I am trying to say --

11 Q. Well, is that true or not?

12 A. I would say that this call that  
13 you are referring to was subsequent to calls  
14 from Shrubb upon his assistance (sic) and I  
15 could very well have called him back and  
16 arranged to get together.

17 Q. Are you saying the first  
18 communication you had with Shrubb was a call  
19 by Shrubb to you after you\_r meeting with  
20 Lloyd?

21 A. Oh, I am not saying that, sir.  
22 I don't know whether it was after or whether it  
23 was before; it may very well have been after.  
24 I couldn't swear to when it was.

25 Q. Get away from this before or after  
26 business. Was the first call leading up to  
27 your first meeting with Shrubb a call from  
28 Shrubb to you or a call from you to Shrubb?

29 A. I am inclined to think, sir, that  
30 there were several calls prior to this that



7. The following are the names of the persons who have been appointed as members of the committee:

*[Faint, illegible text]*

1. The first step is to identify the problem or question that needs to be answered.

1. The first step is to identify the problem or question that needs to be answered.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED





1 you are talking about.

2 Q. Yes. Calls by whom?

3 A. From Shrubb to me.

4 Q. Well, is the first call from Shrubb  
5 to you, the first time you ever talked to him  
6 on the phone, who made the call?

7 A. I believe Shrubb called me, sir.  
8 I couldn't swear to that. But, I believe  
9 Shrubb called me.

10 Q. So, if he swears there was four  
11 telephone calls on dates that he specifies,  
12 leading up to his -- by you -- leading up  
13 to his first meeting with you, you would  
14 deny that?

15 A. I am losing you, Mr. Wilson,  
16 there. I couldn't -- I couldn't swear that  
17 I didn't phone Shrubb.

18 Q. All right, then, if you say  
19 he made the first call, what did he call  
20 you about?

21 A. Well, sir, there, again, details,  
22 I don't know. He called me on so many  
23 occasions over the years.

24 Q. No. We are concerned with how  
25 this relationship started?

26 A. Well, Mr. Wilson, as I read in  
27 the newspapers when Shrubb was giving evidence --

28 THE COMMISSIONER: Q. Witness, never  
29 mind what you read in the newspapers. You  
30 answer the questions.





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ORIGINAL ARTICLES



1 A. It is very difficult for me to  
2 answer.

3 Q. It may be difficult but do the  
4 best you can.

5 A. I haven't kept any records or  
6 any diaries.

7 Q. Wait a minute, now. Never mind  
8 what you read in the newspapers. Pay attention  
9 to the question and try and concentrate on it  
10 and answer it.

11 A. I am doing the best I can.

12 Q. Sometimes I think you are not.  
13 Now, put the question again and pay  
14 attention.

15 MR. WILSON: Q. If, as you say, the  
16 first call was from Shrubb, what was he  
17 calling you about?

18 A. Well, I can't swear to tie down  
19 whether it was the first call or the tenth  
20 call, or whatever call it was. I know that  
21 over a period of time Shrubb discussed the  
22 fact with me that he wanted to get into  
23 business, that he was fed up with the policy  
24 of the O.P.P., that he had come down here,  
25 been brought down here from Chatham on the  
26 understanding he was going to be put in  
27 charge of the Anti-Gambling Squad, and he  
28 accused me of interfering with his  
29 promotion through politicians and that I  
30 was doing something to keep him from being



1. The first thing I noticed when I got up in the morning was that I was alone.

2. I was alone in the room, and I was alone in the house.

3. I was alone in the house, and I was alone in the world.

4. I was alone in the world, and I was alone in the universe.

5. I was alone in the universe, and I was alone in the galaxy.

6. I was alone in the galaxy, and I was alone in the cosmos.

7. I was alone in the cosmos, and I was alone in the universe.

8. I was alone in the universe, and I was alone in the galaxy.

9. I was alone in the galaxy, and I was alone in the cosmos.

10. I was alone in the cosmos, and I was alone in the universe.

11. I was alone in the universe, and I was alone in the galaxy.

12. I was alone in the galaxy, and I was alone in the cosmos.

13. I was alone in the cosmos, and I was alone in the universe.

14. I was alone in the universe, and I was alone in the galaxy.

15. I was alone in the galaxy, and I was alone in the cosmos.

16. I was alone in the cosmos, and I was alone in the universe.

17. I was alone in the universe, and I was alone in the galaxy.

18. I was alone in the galaxy, and I was alone in the cosmos.

19. I was alone in the cosmos, and I was alone in the universe.

20. I was alone in the universe, and I was alone in the galaxy.

21. I was alone in the galaxy, and I was alone in the cosmos.

22. I was alone in the cosmos, and I was alone in the universe.

23. I was alone in the universe, and I was alone in the galaxy.

24. I was alone in the galaxy, and I was alone in the cosmos.

25. I was alone in the cosmos, and I was alone in the universe.

26. I was alone in the universe, and I was alone in the galaxy.

27. I was alone in the galaxy, and I was alone in the cosmos.

28. I was alone in the cosmos, and I was alone in the universe.

29. I was alone in the universe, and I was alone in the galaxy.

30. I was alone in the galaxy, and I was alone in the cosmos.





1 put in charge of the Gambling Squad and he was  
2 very discontent, and told me he was planning  
3 on giving up the job and going into business  
4 for himself. I don't know whether that  
5 was the first call, sir; I would only be  
6 guessing.

7 THE COMMISSIONER: That would make you  
8 happy, wouldn't it, if he got off the  
9 Provincial Police Force and went into  
10 business? He would not be harassing you  
11 out at the Centre Road Club?

12 A. I don't see why it would make  
13 me happy, sir.

14 Q. I would have thought it would  
15 please you immensely; but you say it  
16 did not?

17 A. No, sir.

18 MR. WILSON: Q. So, after all your  
19 trouble in going down to Chatham to arrange  
20 through Mr. Lloyd for a meeting you say it  
21 was -- then it was Shrubb who started or  
22 initiated the calls that resulted in a  
23 long series of calls over the next three  
24 years?

25 A. Yes. Shrubb called me several --  
26 many, many times over the years, sir.

27 Q. He has sworn that after having  
28 four calls from you you had a meeting on  
29 August 31, 1956, when you called for him  
30 in your white Cadillac, as he says here, and





1 you went around the corner. Do you remember  
2 that first meeting?

3 A. I recall meeting with Shrubb,  
4 yes, sir.

5 Q. Do you remember picking him up  
6 and going around the corner to park and have  
7 a talk?

8 A. That may have been so, sir; I  
9 couldn't dispute that.

10 Q. And he has sworn that you said  
11 the business venture you had on your mind  
12 was a possible service station on Highway  
13 No. 400 and that you had some -- that your  
14 member was a person who could arrange to  
15 get the location and you wanted to know  
16 whether he was interested in operating that  
17 service station on your behalf, or on behalf  
18 of McDermott and yourself. Is that true  
19 or false?

20 A. No, sir, Shrubb said that to me.

21 Q. So, you just reverse that. Did  
22 he say that he had a location or could get a  
23 location on Highway No. 400?

24 A. Oh, yes, sir, he mentioned this  
25 to me before, prior to this meeting, on  
26 phone calls.

27 Q. And did he say he had a member  
28 who could do something about getting the  
29 location?

30 A. Yes, sir.





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1 Q. And what did he want you to do?

2 A. He wanted me to finance this  
3 venture.

4 Q. In other words, you say this was  
5 entirely his idea?

6 A. Yes, sir.

7 Q. Now, on that occasion do you recall  
8 what other matters were discussed between you?

9 A. Yes, sir. There was something  
10 Shrubbs brought up about a roulette wheel  
11 operating in North Toronto somewhere and he  
12 said that he knew that this was mine and that --  
13 where it was and that he was going to arrest  
14 and convict it, and I told him, "Mr. Shrubbs,  
15 you're wrong there, I don't operate any roulette  
16 wheel in Ontario here."

17

18 (Page 10115 follows)

19

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and what did he want you to do?	1
he wanted me to leave this	2
	3
in other words, you say this was	4
correctly his idea?	5
Yes, sir.	6
Now, on that matter do you recall	7
that when he was in the hospital he	8
was, sir, that was the situation	9
because he was in a hospital and	10
because he was in a hospital and he	11
was that he was in a hospital and	12
where it was and that he was going to	13
and covered it, and I said yes, sir,	14
just what that, I said yes, sir,	15
and I said yes, sir,	16
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A/1/FHGG

1 MR. WILSON: Q. Looking at Exhibit 112,  
2 page 3, under paragraph 8(d) we have this  
3 statement:

4 "Roulette wheel: Said a roulette  
5 "wheel was operating in the city  
6 "area and it was hindering their  
7 "business somewhat. Said he would  
8 "let me know where the wheel was  
9 "operating and also the location of  
10 "a good-sized back end."

11 You say that is not true at all, that he told  
12 you about a roulette wheel?

13 A. That's right.

14 Q. And said you were operating it?

15 A. Yes, that's right.

16 Q. What else did he talk to you  
17 about, as you recall, on that occasion?

18 A. As I recall, he said that he  
19 knew of a front end in the Queensway just  
20 down a block or so from where I lived and that  
21 he knew that that was my front end and that  
22 he was out to arrest this and get a conviction  
23 against me.

24 Q. Exhibit 112, paragraph 11 on  
25 page 4 - This was on the Queensway, was it?

26 A. Yes, sir.

27 Q. And you are sure that this  
28 reference to the Queensway took place at  
29 your first meeting?

30 A. Pardon, sir?

[illegible]

1995年12月15日 星期三



1 Q. Are you sure the reference to  
2 the Queensway operation took place at this  
3 first meeting you had with Shrubbs?

4 A. To the best of my recollection,  
5 sir.

6 Q. He says in his report of September  
7 18th, Exhibit 112, paragraph 11: "September  
8 12, 1956 . . .", which would be almost two  
9 weeks after the meeting you were talking  
10 about originally:

11 "Feeley called and could relate

12 "nothing further concerning the

13 "service station. Gave me

14 "information about an alleged

15 "betting house at 886 The Queensway.

16 "Said it was a good-sized business

17 "and was operated by a woman.

18 "Before this information was

19 "accepted I advised Feeley that if

20 "he may be going to seek any favours

21 "for the information that I would

22 "not accept the information. He

23 "said he was not seeking any favours."

24 Do you deny that you told him about  
25 886 The Queensway?

26 A. Yes, sir.

27 Q. Did he tell you about the woman  
28 that was operating it?

29 A. He may very well have said  
30 that there was a woman operating it. I don't







1 just recall that, sir.

2 Q. Did you on any occasion ever  
3 give information to the police about the  
4 location of back ends, front ends or gaming  
5 houses?

6 A. No, sir.

7 Q. At no time?

8 A. No, sir.

9 Q. You swear to that?

10 A. Yes, sir.

11 Q. Can you recall anything else  
12 that was discussed at that first meeting you  
13 had with Shrubby?

14 A. (No audible answer)

15 Q. You have undoubtedly, through  
16 your counsel, had an opportunity to read this  
17 report recently?

18 A. Yes, sir; I believe I have read  
19 it since this crime probe started, sir.

20 Q. Maybe you can save time now  
21 by telling us if there is anything else you  
22 can recall having discussed on that first  
23 occasion?

24 A. Well, as I recall, that was  
25 quite a lengthy report.

26 Q. Maybe to save time, on page 2  
27 under paragraph 8(c) it states:

28 "The Peterborough case: The

29 "boys became careless and let

30 "an officer in. Morton was not



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1 "a bad fellow. His attitude  
2 "upon conviction. The raid by  
3 "myself at his home. Disgrace  
4 "to Horton's family after he was  
5 "arrested."

6 Now, is that the substance of some  
7 statement you made to Shrubb on that first  
8 meeting?

9 A. No, I don't believe I made those,  
10 sir, but Shrubb did tell me about him raiding  
11 the club in Peterborough and getting a  
12 conviction, and he thought that Harrington  
13 and Horton should be sent to jail, that that  
14 was his opinion about any gaming convictions,  
15 that he felt there should be jail sentences  
16 for all gaming convictions.

17 Q. In 8(d) it reads as follows:

18 "Inspector A. Stringer, No. 8D.H.Q.

19 "Feeley knew of the meeting of

20 "Inspector A. Stringer, No. 8

21 "D.H.Q. and this writer and the

22 "matter discussed by the Inspector

23 "and myself as to the immediate

24 "promotion to Sergeant and transfer

25 "to Cobourg Detachment."

26 Now, did you discuss that matter on  
27 that occasion?

28 A. I believe Shrubb brought that  
29 matter up, sir.

30 Q. You are saying he brought it up?



"The first thing I saw when I

got up in the morning, I saw

him at his desk, looking

at his work as if he was

"absorbed."

But, to me, the expression of

concentration was more to be pitied than

admired.

At last, I saw a smile I had

not seen for a long time. It

was like a sunbeam in a dark

room, and it was the first

time I had seen him so happy.

His eyes were bright and

his face was lit up with

joy.

It was a great day for

me, and I felt like a

new man.

From that day on, I

was a different person.

I was no longer a

man of letters, but a

man of action.

I was a man of

energy and

power.

I was a man of

will.

I was a man of



1 A. Yes, sir.

2 Q. And he told you about it?

3 A. He told me he had an opportunity  
4 to get a transfer.

5 Q. Do you deny his statement that  
6 you knew of the meeting between Stringer and  
7 Shrubb?

8 A. No, sir, I don't deny that.

9 THE COMMISSIONER: Q. Who had told you  
10 about it?

11 A. Mrs. Shrubb had.

12 MR. WILSON: Q. Had you met Mrs. Shrubb  
13 prior to September 18th, 1956?

14 A. I couldn't swear to that, sir.

15 Q. Well, if she told you you  
16 must have met her before that date?

17 A. No, I spoke to Mrs. Shrubb on  
18 the telephone quite frequently. I don't know  
19 whether this was prior to our meeting or  
20 subsequent to our meeting, sir.

21 Q. When did you first talk to Mrs.  
22 Shrubb on the telephone?

23 A. Well, it was some time within  
24 these years, sir. I have no ---

25 Q. Was it before or after you first  
26 saw Lloyd in Chatham?

27 A. That would be hard for me to  
28 pinpoint, sir. I couldn't just tie it down.

29 Q. Surely you know whether you had  
30 spoken to Mrs. Shrubb before you went to Lloyd?







1 A. I may have, sir. I couldn't  
2 swear to that.

3 Q. What would be the occasion for  
4 you calling Mrs. Lloyd (sic) to obtain  
5 this information?

6 THE COMMISSIONER: Mrs. Shrubb.

7 MR. WILSON: Q. Yes, Mrs. Shrubb?

8 A. I don't believe I called her  
9 to obtain this information.

10 Q. Did she call you?

11 A. Yes; Mrs. Shrubb called me many,  
12 many times.

13 Q. And in these calls you had to  
14 Mrs. Shrubb did she give you other information  
15 pertaining to the activities of her husband?

16 A. Well, I never ever considered  
17 anything that Mrs. Shrubb told me the way you  
18 put it, Mr. Wilson. We had discussions and  
19 we talked about many things but I never  
20 considered it information, sir.

21 Q. Well, anything she told you  
22 about where Shrubb was or what he was doing,  
23 you would not consider that information, I  
24 take it?

25 A. No, sir.

26 Q. But were you using Mrs. Shrubb  
27 to keep track of Shrubb's activities?

28 A. Beg pardon, sir?

29 Q. Were you using Mrs. Shrubb to  
30 keep track of Shrubb's activities?



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1 A. I most certainly was not.  
any

2 Q. So, information you obtained from  
3 Mrs. Shrubb was just incidental to the  
4 relationship that existed between Mrs. Shrubb  
5 and yourself?

6 A. There again, sir, information,  
7 out of our conversations that we had with  
8 one another over a period of time, I didn't  
9 consider it information, I didn't consider  
10 things she said to me as information the way  
11 you put it, sir,

12 Q. Well, did you discuss about the  
13 possible transfer this man or that man might  
14 make out of the gambling squad just as a  
15 matter of conversation?

16 A. Which man, sir?

17 Q. Oh, any man.

18 THE COMMISSIONER: Any man.

19 A. Oh, I don't know about that, sir.  
20 I believe she did tell me that her husband  
21 wanted to get moved out of the anti-gambling  
22 squad.

23 MR. WILSON: Q. Did she ever discuss  
24 with you or did you discuss with her the  
25 transfers in and out of the anti-gambling  
26 squad?

27 A. Which transfers?

28 Q. Well, any transfer during the  
29 period that you were having these meetings  
30 and conversations with Mrs. Shrubb?



1. The first thing I noticed when I stepped out of the car was the smell of fresh air. It was a relief after being stuck in traffic for so long. I looked around and saw a beautiful landscape with rolling hills and a few scattered houses. The sun was shining brightly, and the temperature was just what I needed. I took a deep breath and felt a sense of peace. I had finally reached my destination. I walked towards the house, feeling a sense of accomplishment. The house was a small, white, single-story building with a red roof. It looked like a typical country house. I walked up the steps and opened the door. The interior was simple and cozy. I took a look at the furniture and noticed that it was all new. I smiled and thought, "This is perfect." I had found a new home. I had found a place where I could start a new life. I had found a place where I could be happy. I had found a place where I could belong. I had found a place where I could call home.





1           A.     I don't recall discussing transfers  
2 with Mrs. Shrubb, Mr. Wilson.

3           Q.     I take it that your meetings  
4 and your conversations and calls to Mrs.  
5 Shrubb were at a time when Shrubb was not  
6 there?

7           A.     No, I wouldn't say that  
8 altogether, sir. I might phone her and her  
9 husband might be home and I might talk to him  
10 because I wouldn't be able to talk to her,  
11 she wouldn't be able to talk to me.

12          Q.     Did Shrubb know of this relation-  
13 ship between his wife and yourself that  
14 apparently carried on for several years?

15          A.     I often thought he did, sir.

16          Q.     You often thought he did. Did  
17 you know?

18          A.     Oh, I couldn't swear whether  
19 he did or not, sir; no, sir.

20          Q.     Now, Lloyd in his evidence has  
21 said that you told him that you knew certain  
22 things that were going to happen in the  
23 Ontario Provincial Police anti-gambling  
24 squad such as a man being transferred out of  
25 the department. Now, did you make such a  
26 statement to Lloyd at any time?

27          A.     No, sir; I don't ever recall  
28 that.

29          Q.     You deny that?

30          A.     Yes, sir.





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1. I have been thinking of you very much lately.  
2. I have been thinking of you very much lately.  
3. I have been thinking of you very much lately.  
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5. I have been thinking of you very much lately.  
6. I have been thinking of you very much lately.  
7. I have been thinking of you very much lately.  
8. I have been thinking of you very much lately.  
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24. I have been thinking of you very much lately.  
25. I have been thinking of you very much lately.  
26. I have been thinking of you very much lately.



1 Q. He also at page 7867 has sworn  
2 that every time he tried to contact Shrubb  
3 you would call him and would know where Shrubb  
4 was. Now, do you deny that?

5 A. Yes, sir; I would deny that.

6 Q. Well, did you know pretty well,  
7 in this period 1956-57-58, where Shrubb was  
8 from week to week, and what he was doing in  
9 the course of his duties?

10 A. I would say I could at times  
11 during the period of those years have known  
12 but it wouldn't have meant too much to me, sir.

13 Q. So just incidentally in the  
14 course of your talks with Mrs. Shrubb you  
15 would keep pretty good track of what Shrubb  
16 was doing; would that be a fair statement?

17 A. I don't think it would, sir.

18 Q. Well, you would know from time  
19 to time then?

20 A. Mrs. Shrubb may tell me that her  
21 husband had been away from for a day or two  
22 but I never recorded that or wrote it down  
23 or anything. It didn't ---

24 Q. Who introduced you to Mrs. Shrubb?

25 A. To the best of my recollection,  
26 sir, the <sup>first</sup> personal meeting I had with Mrs.  
27 Shrubb was with Mr. Lloyd.

28 Q. Where?

29 A. I believe it was in the King  
30 Edward Hotel here in Toronto, sir.

*[Faint, illegible handwriting]*

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1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.





1 Q. When?

2 A. That again I wouldn't know the  
3 date, sir.

4 Q. And then after that time how often  
5 would you see Mrs. Shrubbs?

6 A. Well, sir, I would say quite a  
7 few times but I couldn't swear to the number  
8 of times or how often it would be. It was  
9 quite a few times over the period of those  
10 years, sir.

11 Q. Well, you continued this relation-  
12 ship knowing full well that she was the wife of  
13 a member of the anti-gambling squad?

14 A. I would think so, sir; yes.

15 Q. Was that the reason that you  
16 maintained that relationship?

17 A. No, sir; that was not the reason  
18 at all.

19 Q. What was the reason?

20 A. I am a single man, sir.

21 Q. You say it had nothing to do  
22 with the fact that she was the wife of a  
23 member of the anti-gambling squad?

24 A. That's right, sir.

25 Q. Now, in the period that you were  
26 associated with her or had any association  
27 with her, did you pay her any money?

28 A. No, sir; I never paid her any  
29 money. I see where in her evidence she says  
30 I had left some money on a table in some



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1       cocktail lounge somewhere. I have searched  
2       my memory and I don't recall doing that, sir,  
3       but if Mrs. Shrubbs said that, then I would  
4       say that would be right, sir.

5       Q.       Did you ever give her any  
6       presents?

7       A.       No, sir.

8       Q.       I suppose on the occasions where  
9       you say she did inform you of her husband's  
10       whereabouts, that was not a matter of interest  
11       to you?

12       A.       Well, there again, sir, I don't  
13       or didn't regard her as informing me. She  
14       may very well have said on many occasions where  
15       her husband might have been but as far as  
16       I was concerned it was just part of our  
17       conversation.

18       Q.       About how often would you either  
19       see her in person or telephone to her or she  
20       would telephone you in this period 1956  
21       through to 1958?

22       A.       Well, there again, sir, I would  
23       have to hazard a guess. She may have phoned  
24       me every day for a week or I may have phoned  
25       her every day for a week and then it may be  
26       every few days or so. I am only guessing at  
27       that, sir. It may have been three or  
28       four days of phone calls. I would have no  
29       way of just tying that down, sir.

30       Q.       Well, it was pretty often, wasn't





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1 it, over this period from when you first met  
2 her? When did the relationship come to an  
3 end?

4 A. To the best of my knowledge, sir,  
5 it would be some time around -- I didn't talk  
6 to her very often after she moved to  
7 Peterborough or not as frequently at least.

8 Q. Coming back to this Exhibit 112,  
9 the report of September 18th, 1956, in  
10 paragraph 8(e) on page 3 it reads as follows:

11 "Branch personnel: He asked who  
12 "all was on the branch at the  
13 "time and named all of the personnel  
14 "who are known generally and then  
15 "said 'and these three others'."

16 Now, first of all, did you name all  
17 the members of the anti-gambling squad to  
18 Shrubbs on that occasion?

19 A. It seems to me that that matter  
20 was discussed, sir. It seems to me we  
21 discussed the fellows on the, the personnel  
22 on the anti-gambling squad. I don't recall  
23 whether he mentioned all the names or whether  
24 I mentioned some of the names. I knew  
25 pretty well from the raids at Cookeville,  
26 I knew quite a few of the personnel on the  
27 anti-gambling branch, sir.

28 Q. Then it goes on to say:

29 "'and these three others. Your  
30 "fight down at Windsor. That







1 "skinny kid over at St. Catharines  
2 "and that other fellow, they won't  
3 "get anything. Prpich has been  
4 "into the club at Windsor and got  
5 "nothing. He was in again the  
6 "other night, August 20, 1956, and  
7 "that kid in St. Catharines will get  
8 "nothing." Feeley stated that he  
9 "had occupied . . ."

10 "Now, let us stop there. Did you make  
11 any such statement as I have read to you to  
12 Shrubb on that occasion?

13 A. No. It seems to me that Shrubb  
14 accused me of knowing about some undercover men  
15 that had been refused admittance at some club  
16 or other. I don't recognize these names that  
17 you have read out, sir.

18 Q. You don't recognize them. Were  
19 they discussed that night?

20 A. Yes, I believe Shrubb mentioned  
21 some of the names.

22 Q. Did you mention the name Prpich  
23 or did not?

24 A. There again, sir, the name  
25 doesn't ring a bell but I would think or, as  
26 I have told you, I should say, as I have  
27 told you, Shrubb did accuse me of knowing  
28 of some undercover men that had been refused  
29 admittance to some gambling place.

30 Q. Are you saying he gave you the



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1 names of three undercover men on that occasion?

2 A. Yes, sir.

3 Q. He volunteered the information,  
4 named the undercover men?

5 A. Yes, sir.

6 Q. Well, you were doing pretty well  
7 at the first meeting, if that is what the  
8 officer did for you. Did you come to any  
9 finality about this business proposition on  
10 that first occasion?

11 A. No. As I recall that, sir,  
12 Shrubb brought it up and said that he had  
13 had an opportunity to get in the service station  
14 business prior to coming to Toronto and that  
15 he was kind of sorry that he didn't, and he  
16 had always liked that type of work, that  
17 he had in mind a joint combination service  
18 station and restaurant, that his wife had  
19 had a lot of experience in the restaurant  
20 business through managing the Town House  
21 when he was on the Provincial Police in Chatham,  
22 and that he always wanted to get in that  
23 type of business.

24 Q. Did he on that occasion say  
25 or ask you if you were not making <sup>a</sup> deliberate  
26 move to get him out of the branch?

27 A. I don't recall that, sir.

28 Q. Do you deny it?

29 A. I cannot confirm or deny that,  
30 sir.



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1 Q. And did you ask him who his  
2 Member was because there was a reference to  
3 a Member with some influence, and did you say  
4 it was James Maloney, Renfrew South?

5 A. I just lost you in the question?

6 Q. It reads this way in paragraph 9:

7 "I asked who his Member was and  
8 "he said James Maloney, Renfrew  
9 "South. From here on he referred

10 "to his Member as 'Jim'. He said

11 "Maloney would be the next Attorney-

12 "General and Inspector A. Stringer

13 "would be the next Commissioner.

14 "Also that the present Commissioner

15 "would only be around for another

16 "year or so."

17 Now, did you make the statements that  
18 he attributes to you in that portion of his  
19 report on that occasion?

20 A. No, sir. As I recall Mr. Maloney's  
21 name, some time prior to this I had been at  
22 the Parliament Buildings and I drove Mr.  
23 Maloney from the Parliament Buildings to the  
24 Royal York Hotel, and as we got into my car  
25 coming out of the Parliament Buildings  
26 Shrubbs drove by us and in a subsequent phone  
27 call that I had with Shrubbs he said that he  
28 knew who my Member of Parliament was.

29 Q. Well, you are denying that on  
30 this occasion you told him that James Maloney



Q. And did you not see him then?

A. Yes, I saw him then and I saw him again.

Q. Did you see him again after that?

A. Yes, I saw him again after that.

Q. I have just told you in your testimony.

A. Yes, I saw him again after that.

Q. Did you see him again after that?

A. Yes, I saw him again after that.

Q. Did you see him again after that?

A. Yes, I saw him again after that.

Q. Did you see him again after that?

A. Yes, I saw him again after that.

Q. Did you see him again after that?

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Q. Did you see him again after that?

A. Yes, I saw him again after that.

Q. Did you see him again after that?

A. Yes, I saw him again after that.

Q. Did you see him again after that?

A. Yes, I saw him again after that.





1 was your Member of Parliament?

2 A. Yes, sir. Shrubb mentioned  
3 that he was well aware and he brought up this  
4 time that he had seen Mr. Maloney and I  
5 together in a car and that is my recollection  
6 of Mr. Maloney's name.

7 Q. Maybe we can shorten it. You  
8 deny he said anything that I have just read  
9 to you about Maloney being the next Attorney-  
10 General or Stringer being the next Commissioner?

11 A. Yes, sir.

12 Q. Who in fact was your Member at  
13 that time?

14 A. Well, that is something that  
15 I have never quite understood, sir. I have  
16 heard it referred to by other people and I  
17 don't really know what that means. The only  
18 thing -- you mean my Member of Parliament in  
19 the area where I live, sir?

20 Q. That's right.

21 A. I couldn't tell you that, sir.

22 Q. Well, you don't live in Renfrew,  
23 do you?

24 A. No, sir.

25 Q. What relations, what business  
26 relations of any kind have you had with the  
27 late James Maloney from 1956 to the date of his  
28 death?

29 A. Well, he was the Minister of  
30 Mines. Is that what you mean, sir, that type



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1 of business?

2 THE COMMISSIONER: No, any type of  
3 business.

4 A. Well, I probably haven't had any  
5 type of business with him, sir.

6 MR. WILSON: Q. Well, is what you  
7 are saying that any business you had has been  
8 with him in his capacity as Minister of Mines?

9 A. No. I have known Mr. Maloney  
10 for several years and I have had no business  
11 dealings with him the way you put it, "business  
12 dealings". I am a little confused with this  
13 "business dealings". I am not sure that  
14 I know what you mean, Mr. Wilson.

15 Q. Well, what confuses you about  
16 "business"?

17 A. Well, as far as anything that --  
18 what confuses me about the "business"?

19 Q. Well, you know what "business"  
20 is?

21 A. Well, I don't know what you  
22 mean by it in this particular instance.

23 Q. There is nothing sinister about  
24 it. It is just, did you have any business  
25 dealings with the late Mr. Maloney?

26 A. Well, as the Minister of Mines,  
27 I have got assistance from him but I would  
28 say it was no more assistance than any other  
29 person, individual, in the Province of Ontario  
30 is entitled to or could get from Mr. Maloney.



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1 So that I don't regard that as business  
2 dealings because I had no -- Mr. Maloney never  
3 done for me what he wouldn't do for you or  
4 any other person that was interested in mining.

5 Q. Did you ever ask him directly  
6 or indirectly to use any influence he might  
7 have to try to protect any of your gambling  
8 operations or betting operations?

9 A. No, sir; I never did ask Mr.  
10 Maloney. I daren't ask him. I respected the  
11 man too much.

12 Q. Well, to your knowledge, did  
13 he ever intervene in respect of any of the  
14 gambling operations or the premises or clubs  
15 in which they were being carried on to try  
16 to assist McDermott and yourself in any way?

17 A. Did I ask Mr. Maloney?

18 Q. No. Do you have any knowledge  
19 of him ever having intervened or trying to  
20 assist by the use of his influence in protecting  
21 the position of any of your operations?

22 A. No, sir; I have no knowledge  
23 of that and I disbelieve entirely any reports  
24 that he did do such a thing.

25 Q. After this first meeting on  
26 August 31st, 1956, we have been told in  
27 evidence that you would call Shrubb regularly.  
28 Is that so?

29 A. I talked to Shrubb on several  
30 occasions over the years, sir.



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1 Q. Well, when you say "several",  
2 just looking at the record, we find from  
3 August 18th to December 24th, X 9 calls from  
4 yourself?

5 A. When was that, sir?

6 Q. In 1956.

7 A. That may have been, sir.  
8 I couldn't swear one way or the other on that,  
9 sir.

10 Q. I suppose you didn't keep an  
11 exact record like Shrubb did?

12 A. No, I kept no records, sir.

13 Q. What was the final outcome of  
14 the discussions you had with Shrubb about  
15 the service station operation?

16 A. (No audible answer)

17 Q. What was the final outcome of  
18 it; what happened; did you say that you  
19 wouldn't help him or did he tell you he wasn't  
20 interested in your proposition?

21 A. It seems to me the final outcome,  
22 sir, you mean this particular night?

23 Q. No. You apparently did not  
24 make a decision on the particular night and  
25 you carried on conversations about that  
26 for months or a month and a half anyway. Now,  
27 what was the outcome?

28 A. Well, it seems to me, sir, that  
29 it may have been a little longer than that.  
30 I recall Shrubb calling me up about this and

21.





1 discussing this service station on 400 or  
2 whatever highway it was, I don't just recall,  
3 sir, on several occasions and, as a matter  
4 of fact, he suggested to me that I should go  
5 and see Mr. Bartlett with regards to possibly  
6 obtaining a letter of recommendation from  
7 him as he was the public relations man for  
8 the O.P.P., and as he heard Mr. Bartlett  
9 was very close to someone in the Department  
10 of Highways.

11 Q. When did this occur; when did  
12 Shrubb tell you this?

13 A. As I said, sir, on one of his  
14 many phone calls.

15 Q. Do you know what year?

16 A. No, I couldn't pinpoint that,  
17 sir.

18 Q. Well, as a result of that  
19 suggestion, what did you do about it?

20 A. I don't know if I done anything  
21 about it at the particular time, sir, but  
22 upon his insistence eventually I did go to  
23 Mr. Bartlett's house.

24 Q. Well, now, just tell us how that  
25 case about. Just tell us the circumstances.

26 A. Well, as I have said, sir, it  
27 seemed to me Shrubb mentioning Mr. Bartlett  
28 on these phone calls and this plan, I had  
29 it in the back of my mind that possibly or  
30 probably Shrubb had already in fact made some



[illegible]



1 type of an arrangement with Mr. Bartlett to  
2 secure one of these service stations.

3 Q. On what highway?

4 A. Well, sir, as I said before,  
5 it seems to me it would be 400 or 401. I  
6 couldn't swear to what highway it would be.  
7 It would be pertaining to one of these that  
8 had been advertised, as he said, in the  
9 newspapers.

10 Q. All right. Now, what did you  
11 do about getting in touch with Bartlett?

12 A. I don't know that I done anything  
13 but go up to the man's house.

14 Q. Well, did you go up to his  
15 house or did you phone him and arrange an  
16 appointment? What did you do?

17 A. It seems to me -- I don't recall  
18 any phone call, sir. I don't ever recall  
19 phoning Mr. Bartlett, sir. I may have. I  
20 couldn't swear I did or I didn't, sir.

21 Q. Well, he has sworn that he  
22 had a phone call from you on July 7, 1957.  
23 Now, is that true or not?

24 A. There again, sir, I couldn't  
25 swear it was true or I couldn't swear it wasn't  
26 true. I don't recall having had a phone  
27 call with Mr. Bartlett, sir.

28 Q. Had you ever met Bartlett  
29 before this time?

30 A. No, sir.



and the other two were the same as the first.

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1 Q. Had you ever been in communication  
2 with him?

3 A. No, sir.

4 Q. Did you go to see Bartlett alone  
5 or in the company of anybody else?

6 A. No; Mr. McDermott was with me,  
7 sir.

8 Q. All right. Just tell us what  
9 happened when you got there.

10 A. As I have said, sir, the only  
11 reason I went there was because I thought  
12 this had -- that Shrubb had discussed this  
13 with Bartlett, with Mr. Bartlett, but upon  
14 getting to Mr. Bartlett's house I believe my  
15 words were something along the line that I  
16 wanted, I would like to get a recommendation  
17 from him to the Department of Highways to try  
18 and secure a service station.

19 THE COMMISSIONER: Q. That you wanted  
20 to get the recommendation?

21 A. That's right, sir.

22 Q. For yourself?

23 A. Yes, sir.

24 MR. WILSON: Q. Was the discussion  
25 with Shrubb about him going into the service  
26 station arrangement still open? What were  
27 you going to do with this service station site  
28 if you got it? Were you going to get Shrubb  
29 to run it?

30 A. No, sir.

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1 Q. All right. Now, what did  
2 Bartlett tell you?

3 THE COMMISSIONER: No, no. Not yet.  
4 What were you going to do? If you weren't  
5 going to get Shrubbs to run it and if you  
6 weren't going to give up the profits out on  
7 the Centre Road, what were you going to do?

8 A. I believe what I had in my  
9 mind there, I never had -- originally  
10 when Shrubbs brought this up and mentioned it  
11 to me, I never thought about it, but over a  
12 period of time I thought about it and I  
13 satisfied myself in my own mind that possibly  
14 it could be a good business venture and that  
15 if there was any possibility of securing it  
16 I would keep it for myself.

17 Q. Run it yourself or have somebody  
18 else run it?

19 A. Well, sir, I don't know whether  
20 my thinking had progressed that far.

21 MR. WILSON: Q. Well, what did Bartlett  
22 have to say?

23 A. Well, sir, after I asked him  
24 for the letter of recommendation he seemed  
25 completely in the dark and didn't seem to know  
26 what I was talking about.

27 Q. Well, did McDermott know prior  
28 to this? Had he ever met him prior to this  
29 date?

30 A. Not to my knowledge, sir.





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1 Q. What was the date? Was it in  
2 July, 1957, as Bartlett said it was?

3 A. I couldn't be certain of that,  
4 sir. It may have been.

5 Q. And neither of you knew Bartlett  
6 and you went to his home and you asked him for  
7 a letter of recommendation; is that your  
8 story?

9 A. That is what happened, sir.

10 THE COMMISSIONER: Q. Who was he to  
11 recommend, you or McDermott or both?

12 A. Well, when I spoke to him, I  
13 was asking for it on my behalf.

14 Q. On your behalf alone?

15 A. Well, I don't think that I dis-  
16 cussed that. I didn't discuss that with Mr.  
17 Bartlett. I asked him for a letter of  
18 recommendation on my behalf, sir.

19 Q. Had you discussed it with McDermott?

20 A. Prior to going to Mr. Bartlett?

21 Q. Yes.

22 A. Yes, I would think so.

23 Q. Was McDermott to be involved in  
24 it?

25 A. Well, sir, there again I don't  
26 know how far my thinking had advanced.

27 Q. I am not interested in your  
28 thinking so much as I <sup>am</sup> interested in McDermott's.  
29 the  
30 Had you discussed <sup>the</sup> possibility of getting a  
gas station ---







1 MR. WILSON: On 400.

2 THE COMMISSIONER: He says he doesn't  
3 know whether it was on 400 or 401. It was  
4 one or the other.

5 Q. Had you discussed that with  
6 McDermott before you went to see Bartlett?

7 A. Yes, I will ---

8 Q. Well, just say "yes".

9 A. I am trying to think.

10 Q. Don't say "yes" without thinking.

11 A. That is what I am trying to do,  
12 sir.

13 Q. What?

14 A. I would say that I had discussed  
15 whether this would be a good business venture  
16 if a fellow could obtain one of these service  
17 stations.

18 Q. And was McDermott interested?

19 A. Oh, I wouldn't say to any great  
20 extent, sir.

21 Q. I see. Then why did he go with  
22 you to see Bartlett? Why didn't you just  
23 go alone? He wasn't interested.

24 A. Well, sir, this wasn't uncommon  
25 for us, to go to places together. I mean,  
26 we have spent a lot of time together, sir.

27 Q. He was giving you some moral  
28 support, was he?

29 A. I don't recall whether that was  
30 the reason or not, sir.



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1 Q. When you got to Bartlett's you  
2 wanted the letter of recommendation for you  
3 alone?

4 A. I would only be guessing but I  
5 would think that is the way I phrased it, sir.  
6 It may have been. But, as I recall -- it  
7 may have been a joint letter of recommendation --  
8 but, as I recall the incident, sir, to the  
9 best of my knowledge, I think I asked for  
10 one for myself, sir.

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15 (Page 10150 follows)



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MR. WILSON: Q. Did Bartlett recognize McDermott and yourself as two well known gamblers?

A. I don't know whether -- I couldn't say whether he recognized us as -- I would say ---

THE COMMISSIONER: Q. He knew you were two well known gamblers. Whether he recognized you or not I don't know.

A. I would say he knew our names.

Q. Yes, as well known gamblers?

A. I would think so, sir.

THE COMMISSIONER: Yes.

MR. WILSON: Q. Now, did you mention Shrubb's name to him?

A. No, sir.

Q. Was there anybody else present at this meeting apart from McDermott, Bartlett and yourself?

A. No, sir.

Q. Now, what else did you discuss with Bartlett apart from this letter of recommendation? First of all, before we get to that, what did he say about a letter of recommendation?

A. I don't know his exact words, Mr. Wilson, but it seems to me that he said that he had nothing to do with the Department of Highways or service stations, and that that was not in his department; that







1 we would have to go down to the Parliament  
2 Buildings and make application down there to  
3 the best of his knowledge.

4 Q. How would you expect a senior  
5 official of the O.P.P. to write a letter of  
6 recommendation for one of the, or two of  
7 the leading gamblers in the Province of  
8 Ontario at that time?

9 A. Well, sir, I didn't expect him,  
10 but from Shrubb's conversation I thought  
11 Shrubb had set this up with Mr. Bartlett  
12 to do this for me.

13 THE COMMISSIONER: You were wasting a  
14 lot of time, weren't you? You did not  
15 expect it but you and McDermott went down  
16 there together and you went through the  
17 formality of asking for it?

18 A. No, sir, I didn't say that.  
19 Mr. Wilson asked me ---

20 Q. I am saying you wasted a lot  
21 of time?

22 A. Yes, sir.

23 Q. And you never expected at any time  
24 that Bartlett would give you the letter of  
25 recommendation?

26 A. Well, I had in my mind that  
27 Shrubb had some kind of arrangement with Mr.  
28 Bartlett.

29 Q. For what?

30 A. And Shrubb had in fact spoken

and is a very good example of a well-kept record.

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Figure 1

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1 to Mr. Bartlett and arranged to possibly give me  
2 a letter of recommendation.

3 Q. Give you a letter of recommendation?

4 A. Yes, sir.

5 Q. I thought that you finished telling  
6 me, after a lot of evidence, that so far as  
7 Shrubbs was concerned he is the man that  
8 wanted the gas station on No. 400?

9 A. Yes, he was.

10 Q. Not you?

11 A. Yes, sir.

12 Q. All right, then, things got reversed  
13 and you go to Bartlett and you want a letter  
14 of recommendation, that is what you have  
15 told me?

16 A. Yes, sir.

17 Q. And ontop of that you said that  
18 although you asked for it you had no  
19 expectation that he would give it to you,  
20 because he knew that you and McDermott were  
21 two well known gamblers?

22 A. No, sir, I don't think that was  
23 my answer to Mr. Wilson's question.

24 Q. Well, I put it to you now, if  
25 it was not your answer before. Did you  
26 expect that Bartlett would give you a letter  
27 of recommendation?

28 A. Yes, sir, when I went to his  
29 house I did.

30 Q. You did, eh, notwithstanding the





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1 fact that you knew he knew you and McDermott  
2 were two well known gamblers?

3 A. That is right, sir, but Shrubb  
4 suggested that I went there and I thought  
5 that this had been pre-arranged.

6 Q. But Shrubb did not suggest you  
7 go there and get a letter of recommendation  
8 yourself?

9 A. Oh, yes, sir.

10 Q. Oh, he did?

11 A. Oh, yes, sir.

12 Q. I thought he suggested that you  
13 might get a letter of recommendation on his  
14 behalf?

15 A. Oh, no, sir.

16 Q. I see. The plot thickens, Mr.  
17 Wilson.

18 MR. WILSON: It does.

19 Q. What else did you discuss with  
20 Bartlett on that occasion?

21 A. Well, sir, I don't recall anything  
22 else. I think that pretty well terminated  
23 the discussion.

24 Q. Now, isn't it a fact, as  
25 Bartlett has sworn, that you asked about  
26 whether there were any new instructions to the  
27 Anti-Gambling Branch?

28 A. No, sir.

29 Q. You swear that is not true?

30 A. Yes, sir.



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1 Q. Neither McDermott nor yourself  
2 asked any such question?

3 A. Yes, I swear this.

4 Q. How long were you there?

5 A. Oh, I would hazard a guess and say  
6 maybe five minutes at the very most, three or  
7 four minutes, I would think.

8 Q. Did either of you tell Bartlett  
9 that you knew that Deputy Commissioner Loughheed  
10 was in the hospital?

11 A. I don't recall saying anything  
12 like that, sir.

13 Q. Did you know he was in the hospital  
14 at that time you visited Bartlett?

15 A. I may have. I don't know, sir.

16 Q. There was a change in the  
17 instructions to the Anti-Gambling Squad around  
18 about this time, wasn't there?

19 A. A change, sir?

20 Q. A change in the instructions as  
21 to how they were to handle operations such  
22 as yours?

23 A. I don't recall, sir.

24 Q. You don't recall. Now, after  
25 this meeting did you telephone to Bartlett?

26 A. No, sir.

27 Q. Now, he swears that on July 30th  
28 he received a call about a parcel under the  
29 back step and that, as I recall his evidence,  
30 he said that he recognized the voice as



Q. Now, did you see the person who was with you?

A. Yes, I saw him.

Q. How many times did you see him?

A. Oh, I would have a guess and say

about five or six times.

Q. Now, did you see him on the day that you

were in the hospital?

A. Yes, I saw him on the day that I

was in the hospital.

Q. Now, did you see him on the day that you

were in the hospital?

A. Yes, I saw him on the day that I

was in the hospital.

Q. Now, did you see him on the day that you

were in the hospital?

A. Yes, I saw him on the day that I

was in the hospital.

Q. Now, did you see him on the day that you

were in the hospital?

A. Yes, I saw him on the day that I

was in the hospital.

Q. Now, did you see him on the day that you

were in the hospital?

A. Yes, I saw him on the day that I

was in the hospital.

Q. Now, did you see him on the day that you

were in the hospital?

A. Yes, I saw him on the day that I

was in the hospital.

Q. Now, did you see him on the day that you



1 being your voice. Do you swear that you did  
2 not call him?

3 A. Yes, sir.

4 Q. You swear that you have no knowledge  
5 of who did call him about a parcel under the  
6 back step?

7 A. Yes, sir.

8 Q. So you say that if he has sworn  
9 that he recognized your voice, that he was  
10 mistaken?

11 A. Yes, sir.

12 Q. Now, do you know anything about  
13 the thousand dollars in ten and twenty dollar  
14 bills that was deposited ---

15 THE COMMISSIONER: In the flower pot.

16 MR. WILSON: Q. In the flower pot under  
17 the back step?

18 A. No, sir.

19 Q. At Bartlett's home. Do you know  
20 Clayton Kehoe?

21 A. Yes, sir.

22 Q. How long have you known him?

23 A. I worked for him some twenty years  
24 ago for a summer.

25 Q. Where, up at Parry Sound?

26 A. Yes, sir.

27 THE COMMISSIONER: Better have a ten  
28 minute recess.

29 ---A short recess.  
30





being given notice. Do you know what that is?

not call him

Yes, sir.

Do you know what that is?

It was that call him a second time?

That's right

Yes, sir.

Do you know what that is?

That is the telephone call which was made

to him

Yes, sir.

Do you know what that is?

One thousand dollars in cash and twenty dollars

in bonds and securities

The corporation in the latter case.

Yes, sir. It is the same thing.

Do you know what that is?

Yes, sir.

Do you know what that is?

That is the same thing

Yes, sir.

Do you know what that is?

Yes.

Do you know what that is?

Yes, sir. It is the same thing.

Yes, sir.

Do you know what that is?

That is the same thing

Yes, sir.

Do you know what that is?



1 MR. WILSON: Q. You have undoubtedly  
2 read the evidence or read the newspaper about  
3 Bartlett's statement that he turned over  
4 this thousand dollars to Clayton Kehoe?

5 A. Yes, sir, I believe I read that.

6 Q. And Clayton Kehoe in turn turned  
7 it over to Jackie Riggs at the King Edward  
8 Hotel?

9 A. Yes, sir, I believe I read that.

10 Q. And I take it in 1957 Jack  
11 Riggs was a partner of yours in the Centre  
12 Road operation?

13 A. Yes, we were partners in that  
14 year, sir.

15 Q. And when Clayton Kehoe turned  
16 it over to Riggs, he told him that he wanted  
17 this envelope delivered to McDermott and  
18 yourself. Now, the evidence is from Riggs  
19 that he took it to the Jordan Club and that  
20 he left it with McLaughlin for McDermott  
21 and yourself. Did you ever get the  
22 money back?

23 A. No, sir.

24 Q. You never did, and did McLaughlin  
25 never say anything to you about the envelope  
26 that Riggs delivered to him?

27 A. No, sir.

28 Q. McLaughlin, of course, is dead?

29 A. Yes.

30 THE COMMISSIONER: Did Riggs talk to



Q. Now, did you see any other people there?

A. No, I didn't see any other people there.

Q. Did you see any other people there?

A. No, I didn't see any other people there.

Q. Did you see any other people there?

A. No, I didn't see any other people there.

Q. Did you see any other people there?

A. No, I didn't see any other people there.

Q. Did you see any other people there?

A. No, I didn't see any other people there.

Q. Did you see any other people there?

A. No, I didn't see any other people there.

Q. Did you see any other people there?

A. No, I didn't see any other people there.

Q. Did you see any other people there?

A. No, I didn't see any other people there.

Q. Did you see any other people there?

A. No, I didn't see any other people there.

Q. Did you see any other people there?

A. No, I didn't see any other people there.

Q. Did you see any other people there?

A. No, I didn't see any other people there.

Q. Did you see any other people there?

A. No, I didn't see any other people there.

Q. Did you see any other people there?

A. No, I didn't see any other people there.

Q. Did you see any other people there?

A. No, I didn't see any other people there.

Q. Did you see any other people there?

A. No, I didn't see any other people there.





1 you about it at any time?

2 A. No, sir.

3 Q. Notwithstanding that you were  
4 partners?

5 A. Pardon?

6 Q. Notwithstanding that you were  
7 partners with him?

8 A. No, sir, he never discussed it  
9 with me, sir.

10 MR. WILSON?  
11 Q. Now, did you ever speak to or  
12 see Bartlett after this meeting at his  
13 home that you speak of?

14 A. No, sir, not to my knowledge I  
15 never. When you say did I see him, no, sir,  
16 I never seen him. I may have passed him  
17 on the street. I wouldn't know about  
18 something like that, sir.

19 Q. Did you ever do anything further  
20 about getting this location on Highway 400  
21 or whatever it was, after this meeting you'  
22 had with Bartlett?

23 A. Yes, sir. Subsequently I went  
24 to the Department of Highways at Queen's  
25 Park and made enquiries about it and was  
26 informed there that these service stations  
27 would be called for tender, and to keep an  
28 eye open in the paper for the advertisement.

29 Q. Who did you see at the  
30 Department of Highways?

A. I can't just recall, sir, whether



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1 it was a man or a woman. I don't recall, sir.

2 THE COMMISSIONER: Told you to keep an  
3 open, did you say?

4 A. Well, sir, they explained to me  
5 that tenders would be called for these, and  
6 that the advertisement, there would be an  
7 advertisement appearing in the local  
8 newspapers.

9 Q. What did you ask this party at  
10 the Department about? You went there to  
11 get some information and you can't remember  
12 who you saw, am I right?

13 A. Yes, sir.

14 Q. What did you ask?

15 A. Well, I would be inquiring ---

16 Q. Never mind what you would be,  
17 what did you?

18 A. I don't know my exact words.

19 Q. I don't want your exact words.

20 What was the substance of the inquiry you  
21 made?

22 A. That I understood that the  
23 Department of Highways was releasing three  
24 or four sites on either this Highway 400  
25 or 401 (I am not too certain what) and that  
26 how would I go about getting one of these  
27 locations?

28 Q. And they told you that the  
29 matter would be advertised in the press?

30 A. I was informed these things



[illegible]



1 would be let out for tender, there would be  
2 tenders called, and that prior to that there  
3 would be an advertisement probably in the  
4 local newspapers.

5 Q. Where was the office, the location  
6 of the office to which you went?

7 A. I don't recall, sir. It seems  
8 to me that it would be in the Parliament  
9 buildings somewhere.

10 Q. Well, did you go to the Parliament  
11 Buildings, are you sure of that?

12 A. No, I couldn't swear to that, sir.  
13 It seems to me it was the Parliament Buildings  
14 to the best of my recollection.

15 Q. Is there any doubt in your mind  
16 about it?

17 A. Yes, sir.

18 Q. It may have been some other place?

19 A. It may have been, sir, yes, sir.

20 Q. What branch of the Department  
21 of Highways did you go to?

22 A. I don't know, sir.

23 Q. Well, it must have been a branch  
24 that has to do with the granting of permits  
25 or licences, leases, for service stations  
26 on provincial highways, because you say that  
27 they told you how the matter would be  
28 handled?

29 A. Yes, I would think it would be  
30 something along those lines.



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1 Q. No doubt in your mind that you did  
2 go and that was the answer?

3 A. No, sir.

4 Q. I see, all right.

5 MR. WILSON: Q. I take it that you never  
6 did anything further about it when the tenders  
7 were called for?

8 A. I don't know, sir, whether they  
9 have been called as yet.

10 Q. I have already referred to the  
11 fact that according to Shrubb's evidence you  
12 made various calls to him for the balance  
13 of 1956, and then turning to 1957 we find  
14 that Shrubb in his evidence at page 2897  
15 refers to a quotation in his diary under  
16 date of February 22nd, 1957:

17 "Call from Feeley this date re

18 "leaving envelope in mail box once

19 "a month -- said he was going to

20 "Florida -- and declined box of

21 "fruit."

22 Then at line 27 he is asked this question:

23 "Q. What did he tell you about

24 "leaving the envelope in mail box?

25 "A. He said it would be very

26 "easy to do, to leave a thousand

27 "dollars in an envelope in a mail

28 "box, and for this to be detected

29 "by any one would be almost an

30 "impossibility.



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1 "Q. That would be once a month, he  
2 "told you?"

3 "A. Yes, that is right."

4 Now, did you make the proposal of payment of a  
5 thousand dollars a month or any other sum to  
6 Shrubb, as he has recorded in his diary  
7 under date of February 22nd, 1957?

8 "A. No, sir, I never did at any time  
9 make any suggestion to Shrubb."

10 "Q. Make any suggestion to Shrubb?  
11 Well, did you make any suggestion of payment  
12 of money, is what we are concerned with?"

13 "A. No, sir, never in my life."

14 "Q. Have you any explanation as to  
15 why both Lloyd, who is a business man, and  
16 Shrubb would be so confused about what they  
17 say you told them about moneys?"

18 "A. Well, there isn't too much doubt  
19 in my mind, sir, as far as Shrubb is con-  
20 cerned. I concur wholeheartedly with the  
21 Crown Attorney from Peterborough, as I  
22 read his evidence in the newspaper, that  
23 Shrubb was suspicious and jumped to  
24 conclusions about everybody that he came  
25 into contact with. That was his nature."

26 "Q. So he would just conjure up  
27 in his own mind the thought that you had  
28 offered him a thousand dollars each month?"

29 "A. Sir, I have no way of knowing  
30 what was going on in his mind. I could never





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figure him out.

Q. And did you send him in March of that year a present of fruit from Florida?

A. No, sir.

Q. You deny that you sent him any present of that kind?

THE COMMISSIONER: Do you know who did?

A. No, sir.

MR. WILSON: Q. And you deny that on March 27th you called him and told him that the fruit was going to be sent?

THE COMMISSIONER: Do you deny that?

A. I just didn't get your question.

MR. WILSON: Q. Well, you deny that you ever sent it or you ever discussed it with him, is that right?

A. Yes, sir.

Q. Now, at page 2903 of Shrubb's evidence he gives reference to a call on March 28, 1957, that he says he had from you, and that you told him on that occasion that you had expected the raid that had occurred the previous night at the Centre Road Club earlier than it actually had occurred. Do you recall any such conversation?

A. No, sir, I don't recall saying that.

Q. Do you deny it?

A. Yes, sir.

Q. Did the police ever arrive at



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1 Centre Road on a raid at any time when there  
2 was no gambling activity going on at the time  
3 they reached there?

4 A. When would this be, sir?

5 Q. At any time. You had quite a  
6 few raids between, say, 1954 and 1960,  
7 didn't you, out at the Centre Road?

8 A. Yes, sir.

9 Q. Now, on any of the occasions when  
10 the police arrived at the front door, was  
11 there no action going on?

12 A. You mean a game, sir?

13 Q. Yes.

14 A. There may not have been. I could  
15 not swear one way or the other, sir.

16 Q. Normally when the police arrived  
17 at the front door there would be a game in  
18 progress and all the evidence of the game  
19 would be immediately taken care of and the  
20 players would appear to be engaged in  
21 tiddlywinks or some other nice quiet game,  
22 isn't that the fact?

23 A. This happened, yes, sir.

24 Q. Now, I am asking you whether over  
25 these years is it not a fact that on certain  
26 occasions when the police arrived at your  
27 front door out there, there was no game in  
28 progress, that everybody appeared to be  
29 playing bridge or something of that kind?

30 A. I couldn't swear to that, sir.



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1 Q. Well, can you swear that it was not  
2 true?

3 A. No, sir.

4 Q. No, and if that was the situation  
5 on various occasions when the police arrived,  
6 with the door open to welcome them in, have  
7 you had any prior advice as to the impending  
8 raid?

9 A. Prior advice?

10 Q. Yes, prior word as to the fact  
11 that the police were coming that night?

12 A. I never had any advice along  
13 those lines, sir.

14 Q. At no time?

15 A. No, sir.

16 Q. So that if at any time the police  
17 arrived and found the door open and a nice  
18 quiet game of bridge going on, that would  
19 just be a coincidence?

20 A. I would think so, sir.

21 THE COMMISSIONER: Well, the club was  
22 open for gambling every night, wasn't it?

23 A. Yes, sir.

24 Q. And it had, to use your words,  
25 a good strong door?

26 A. Yes, sir.

27 Q. If it was open for business every  
28 night and it had a good strong door, why  
29 didn't you use the door, why on some  
30 occasions did you leave it open?





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1 A. Well, Mr. Wilson said it was open,  
2 sir. To the best of my recollection the door  
3 was never open.

4 Q. Mr. Wilson said it was.

5 A. It may have been, sir, but to the  
6 best of my recollection I don't recall the  
7 door being open, sir. The door was pretty  
8 well always closed, as I recall it, sir.

9 MR. WILSON: Q. Did you know Mr. Tom  
10 Kennedy who was Member for that area?

11 A. Only by name, sir. I never met  
12 the man in my life, sir.

13 Q. To your knowledge, did McDermott  
14 know him?

15 A. Not to the best of my knowledge,  
16 sir.

17 Q. Well, did you know of any contact  
18 that had ever been made or representations  
19 that had ever been made on behalf of your  
20 group to him, to in any way maintain the  
21 operation there?

22 A. No, sir.

23 Q. And you remember a raid in  
24 September -- November, what was the date in  
25 November? -- November 24th, 1954, when a  
26 number of persons who were found in were  
27 taken to Brampton for questioning?

28 A. Do I remember that occasion?

29 Q. Yes.

30 A. I don't know what date it was, sir.



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1 I do remember the occasion.

2 Q. You remember the incident?

3 A. Yes, sir.

4 Q. And did you call a lawyer or  
5 lawyers to come out to Brampton by reason of  
6 that raid and those arrests or detention, as  
7 it was?

8 A. This was in 1954?

9 Q. That is right.

10 THE COMMISSIONER: You know the episode  
11 that Mr. Wilson is talking about. On that  
12 occasion did you telephone a lawyer to  
13 come out?

14 A. I don't remember having, sir.  
15 I have no recollection of it. I may have.

16 MR. WILSON: Q. How did Herman and  
17 Gebirtig get out there that night? That  
18 was not Louis Herman, this was his brother  
19 Carl. How did they come out there, who  
20 called them?

21 A. I don't recall whether I called  
22 them or whether somebody else called them, sir.

23 Q. Well, did you or anybody on  
24 your behalf call the late Mr. Kennedy to  
25 complain about that raid and the detention  
26 of these people?

27 A. No, sir. I never called Mr.  
28 Kennedy.

29 Q. Did you instruct anybody else  
30 to call him?



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A. No, sir.

Q. To your knowledge was he called by McDermott or anybody else who was connected with your operation at that time?

A. Not to my knowledge, sir.

Q. At that time did you know personally any of the senior legal personnel of the Attorney General's Department?

A. At that time, sir?

Q. Yes, Mr. Magone, Mr. Common, Mr. Bowman, did you know any of them?

A. I didn't know them then and I don't know them now, sir.

Q. Did you at any time have any communication with any of those three people that I have mentioned from 1954 through to the present time?

A. Did I have any communication?

Q. Yes.

A. Never in my life, sir.

Q. We have had in evidence here a Scott report which is Exhibit 61. Under date of Tuesday, May 17th, 1960, which is at page 26 of the exhibit, Wright records the fact that P.C. Lawrence, as he then was, told him that Bill Common was receiving \$800 per month from the "thieves". Now, we have had lots of evidence to identify the "thieves" as being McDermott, Ryan and yourself. Now, did you or any ---





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30. The thirtieth part of the report



1 THE COMMISSIONER: You were known as the  
2 "three thieves", were you?

3 A. Nobody ever called me that to my  
4 face, sir.

5 Q. Well, maybe so, but you know now  
6 that at that time you were known as the "three  
7 thieves"?

8 A. Only by evidence I have heard  
9 in Court trials and as you are saying here, sir.

10 MR. WILSON: Q. Well, did you ever pay  
11 any money to Bill Common at any time for any  
12 purpose?

13 A. Never in my life, sir.

14 Q. To your knowledge did McDermott  
15 or Ryan ever pay any money to Bill Common  
16 at any time for any purpose?

17 A. No, sir.

18 Q. Under date of May 13th, Item (b)  
19 there is a reference:

20 "Bill Common is receiving a lot of

21 "money from the gamblers."

22 Have you any knowledge of any kind or have  
23 you ever heard of any payments having been  
24 made by any gamblers to Bill Common?

25 A. No, sir.

26  
27 (Page 10169 follows)

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Q. Or to any other of the members, of the senior members of the legal personnel of the Attorney General's Department?

A. No, sir.

Q. Have you ever personally made any attempt, directly or indirectly, to have any of the senior legal personnel of the Attorney General's Department terminate any investigation they were making?

A. No, sir.

Q. Or suppress any evidence that might be relevant to some matter that was pending?

A. Pending where, sir?

Q. Well, pending in the courts of this province or contemplated as a possible court action?

A. No, sir.

Q. Now, the second statement I read to you under date of May 13th was a statement that George Scott says was made by your partner Joseph McDermott to him. Now, I didn't bring that to your attention, but does that ---

THE COMMISSIONER: Read it to him.

MR. WILSON: It reads in this way:

"May 13th. I phoned number

"Crescent 8-3783 at approximately

"8.00 p.m. The phone was answered

"by the usual party. (Joe McDermott)



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1 "We conversed at a considerable length  
2 "and during our conversation the  
3 "party stated the following."

4 And then (b) I read. I better read the whole  
5 thing so there will be no misunderstanding.

6 THE COMMISSIONER: What exhibit is that?

7 MR. WILSON: That is Exhibit 61, page 25:

8 "(b) Bill Common was receiving a  
9 "lot of money from the gamblers.

10 "(When I expressed doubt in this  
11 "regard the party said well you just  
12 "go to Common and put a question to  
13 "him and I will tell you what you  
14 "asked, the next day; further, who  
15 "was it that stopped you from using  
16 "hammers on the door at Cooksville  
17 "and why was it that the Attorney  
18 "General's Department stopped you  
19 "from using that section of the  
20 "Criminal Code which empowered the  
21 "police to take persons found in  
22 "an alleged disorderly house before  
23 "a Justice of the Peace and have  
24 "then examined under oath.)"

25 Q. Now, I have read you the whole  
26 statement as it appears here and it is alleged  
27 Joe McDermott made that statement to Scott.  
28 Does that in any way alter the answers you  
29 have given in regard to your knowledge of  
30 any payments to Bill Common by any gamblers





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1 or by McDermott and yourself?

2 A. No, sir.

3 Q. Have you any knowledge of McDermott  
4 having made such a statement?

5 A. I have seen these reports in  
6 the last couple of years on several occasions  
7 but I have no knowledge.

8 Q. I have no doubt when a statement  
9 of that kind came to your attention and the  
10 attention of McDermott, you would discuss  
11 that with him?

12 A. I don't ever recall discussing  
13 it, sir. I never believed it and I don't  
14 ever recall it.

15 Q. Well, did you make any represen-  
16 tation to any authority to stop using hammers  
17 on the door or authorize anybody to make  
18 such representations?

19 A. No, sir.

20 Q. I take it when Herman wrote the  
21 complaints, letters complaining about the  
22 manner in which the police were dealing  
23 with your property out there, he would be  
24 writing on your behalf?

25 A. Yes, sir, but I understood your  
26 question to stop using hammers.

27 Q. That is right. That was my  
28 question.

29 A. I don't ever recall instructing  
30 Mr. Herman to request the police to stop



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1 using hammers, sir.

2 Q. You know the section of the Criminal  
3 Code that is being mentioned there whereby you  
4 can question found-ins? You are familiar  
5 with that?

6 A. I know of it but I don't know  
7 what the number or what the wording of the  
8 particular section is.

9 Q. Did you ever make any representation  
10 to any authority to ask that that section not  
11 be used so far as any operations of yours  
12 were concerned?

13 A. To the best of my recollection,  
14 I don't ever recall. I recall -- that sticks  
15 in my mind about that section because at  
16 the particular time it was used several  
17 years ago in Brampton, I believe it was, sir,  
18 that there were several editorials by the  
19 newspapers but I don't ever recall instructing  
20 anybody.

21 Q. Several editorials to what  
22 effect?

23 A. What a terrible section it was.

24 Q. Now, on September 7th, 1957,  
25 Shrubb says he had a telephone call from you  
26 in regard to arranging a meeting and at that  
27 time you made statements to him which  
28 indicated that you had knowledge of police  
29 reports -- that is, O.P.P. reports -- that  
30 had been made. Did you at any time have any







1 access to or information about any Ontario  
2 Provincial Police reports that have been made  
3 by any of the officers?

4 A. No, sir, I never ever in my whole  
5 life ever had any access to ---

6 Q. Then the other part of my question,  
7 information about?

8 A. Information about?

9 Q. Yes. Did anybody tell you the  
10 contents of any of these reports at any time?

11 A. Well, I believe I have told  
12 you already that Mrs. Shrubb told me about some  
13 report that Shrubb done on Inspector Stringer.  
14 Is that what you mean, sir?

15 Q. That is the right line, yes.  
16 What other report were you given any information  
17 about?

18 A. By Mrs. Shrubb?

19 Q. By anybody?

20 A. Well, sir, that, to the best of  
21 my ability, is the only information I can  
22 think about.

23 Q. How did you know that Napolitano  
24 was an undercover operative of the O.P.P.?

25 A. Shrubb told me, sir.

26 Q. That is why you took his picture  
27 when he tried to get into the Vets Club out  
28 in Cooksville?

29 A. No, sir. I don't know whether I  
30 took his picture out at Cooksville or not.





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1 Q. Where did you take it?

2 A. Somewhere up in North Toronto, sir,  
3 as I recall.

4 Q. Are you saying that Shrubb told  
5 you while Napolitano was still working as an  
6 undercover man that he was in fact an  
7 undercover operative for the O.P.P.

8 A. Yes, sir, as I recall it, on a  
9 telephone conversation. I don't know whether --  
10 I don't recall whether Shrubb phoned me or I  
11 phoned Shrubb, but Shrubb told me that they  
12 had a markworking in a real estate, Ken Wilce  
13 Real Estate office up Yonge Street undercover  
14 and told me to be sure not to tell anybody  
15 about it because only he and John Anderson  
16 knew, and I didn't think too much of it at  
17 that time because I didn't believe it. I  
18 thought he was pulling my leg. Subsequently  
19 this name he gave me -- I went to the real  
20 estate office and seen that there was in  
21 fact a person by that name there.

22 Q. You found Napolitan there. Is  
23 that it?

24 A. Yes, sir.

25 Q. Well, why would Shrubb give you  
26 information about an undercover man when  
27 that was the type of individual they didn't  
28 want anybody to know about and you of all  
29 persons, a gambler who was a partner in  
30 the operation at the Vets Club? Why would



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1 he tell you that?

2 A. I don't really know, sir. I could  
3 never figure that out myself. That is why  
4 subsequently I phoned John Anderson and told  
5 him about it.

6 Q. Well, you phoned John Anderson  
7 and apologized for taking Napolitano's  
8 picture?

9 A. Yes, sir.

10 Q. And what did you say to John  
11 Anderson?

12 A. I don't just recall. It would  
13 be something along that sort of apology.  
14 I felt in my own mind that that would let  
15 John Anderson know where the information  
16 came from, that I tried to satisfy myself  
17 by telling Anderson that and apologizing  
18 to him. I got this information because  
19 Shrubb had told me he and Anderson were the  
20 only two people who knew about it.

21 Q. Did you tell Anderson that  
22 Shrubb had told you about Napolitano?

23 A. I don't think so, sir.

24 Q. No. But you, having got  
25 secret information, then phoned up later to  
26 Sergeant Anderson and apologized for taking  
27 the picture?

28 A. Yes, sir. I didn't know what  
29 Shrubb had in mind when this information  
30 turned out to be true.



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1 Q. Was Shrubb giving any further  
2 secret or classified information about the O.P.P.  
3 and their operations? You have told us now  
4 that he has given you the names of four  
5 undercover operatives?

6 A. Sir?

7 Q. Did he give you any other  
8 information about what was going on in the  
9 O.P.P. apart from the names of these four  
10 undercover operatives?

11 A. I don't recall anything in  
12 particular, Mr. Wilson.

13 Q. Well, did you and Pleschuk make  
14 arrangements to see a house and have  
15 Napolitano take you to the house?

16 A. No, sir.

17 Q. Are you sure you didn't? Are  
18 you sure you didn't use the name Wilson --  
19 a very good name -- but I am instructed  
20 you used it on that occasion?

21 A. Yes, I made arrangements, but  
22 not with Pleschuk, sir.

23 Q. Well, who was it?

24 A. You mean when I took his picture?

25 Q. Who went with you when you went  
26 along with Napolitano to look at some house  
27 that was for sale?

28 A. I believe it was Lafrade.

29 Q. And did you use the name Wilson  
30 on that occasion?





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1 A. I may have, sir.

2 Q. And why would you want to apologize  
3 about having got the dope on this man who  
4 was trying to get into your club?

5 A. To Mr. Anderson?

6 Q. Yes. Why would you apologize?

7 A. Because I felt in my own mind  
8 that doing it that way, I would clear myself  
9 with John Anderson, that he would know where  
10 this information came from because in fact  
11 Shrubb told me he and Anderson were the only  
12 two people who knew about it.

13 Q. So were you, by telling Anderson,  
14 trying to get Shrubb into difficulty?

15 A. I don't think that was my  
16 intention.

17 Q. That might have just happened  
18 incidentally? You never thought of it?

19 A. I don't know whether that thought  
20 crossed my mind at the time, sir, now.

21 Q. Now, at that same time or the  
22 same date you called up Anderson to apologize  
23 about taking Napolitano's picture, you  
24 complained to Anderson about the club in  
25 Niagara Falls being operated by American  
26 interests. Now, Anderson has given us that  
27 evidence at page 2346.

28 THE COMMISSIONER: What page?

29 MR. WILSON: 2346, and the date was  
30 June 15th, 1958, and Anderson in his evidence



1. The first part of the report deals with the general situation of the country and the progress of the work of the Commission. It is divided into two main sections: the first section deals with the general situation and the second section deals with the progress of the work of the Commission.

2. The second part of the report deals with the specific work of the Commission. It is divided into three main sections: the first section deals with the work of the Commission in the field of education, the second section deals with the work of the Commission in the field of science and technology, and the third section deals with the work of the Commission in the field of culture and sports.

3. The third part of the report deals with the conclusions and recommendations of the Commission. It is divided into two main sections: the first section deals with the conclusions of the Commission and the second section deals with the recommendations of the Commission.

4. The fourth part of the report deals with the annexes. It is divided into three main sections: the first section deals with the annexes to the report, the second section deals with the annexes to the conclusions and recommendations, and the third section deals with the annexes to the work of the Commission.





1 there says that Feeley complained about the American  
2 interests that were operating the old Ramsey  
3 Club, and do you recall making that complaint  
4 on that occasion to Anderson?

5 A. No, sir, I don't.

6 Q. You don't recall that?

7 A. No, sir.

8 Q. Do you swear that you didn't?

9 A. I don't know what you are  
10 referring to, Mr. Wilson.

11 THE COMMISSIONER: Q. If you don't know  
12 what he is referring to, how can you say you  
13 don't recall it?

14 A. The only thing Mr. Wilson asked  
15 me was, did I recall mentioning something  
16 American clubs. I said I don't recall  
17 it, sir. I don't know what he is reading  
18 from.

19 Q. You said you don't know what he  
20 is talking about.

21 A. I don't know the complete statement.  
22 He stopped halfway through the statement.

23 MR. WILSON: I think not. To have no  
24 misunderstanding, Anderson's evidence at  
25 page 2346 where he is dealing with a meeting  
26 he had with or a conversation he had with  
27 you on June 15th, 1958, it reads as follows,  
28 starting at line 2:

29 "Excuse me, he complained about the

30 "Niagara Falls club being of American



1. The first step is to identify the problem or question that needs to be answered.

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1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

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"interest.

"THE COMMISSIONER: Being what?

"THE WITNESS: He complained  
"about the Niagara Falls club being  
"American interest.

"MR. MACKINNON: He was shown ---

"THE COMMISSIONER: Let him  
"finish, please. Which Niagara  
"Falls club?

"THE WITNESS: This would be  
"the Ramsay, my lord.

"MR. MACKINNON: The old  
"Ramsay?

"THE WITNESS: Yes, the old  
"Ramsay, my lord.

"MR. MACKINNON: Is he  
"suggesting ---

"THE COMMISSIONER: Please, Mr.  
"Mackinnon! The Niagara Falls club --  
"the old Ramsay Club being what?

"THE WITNESS: Of American  
"interest.

"THE COMMISSIONER: Why would  
"he complain about that?

"THE WITNESS: He went on to  
"say that the Port Erie club and the  
"Alpha Club were Canadian ---

"MR. MACKINNON: Sort of a  
"nationalistic clique?

"THE WITNESS: Well -- patronize





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"the Canadian interest.

"THE COMMISSIONER: Yes?

"THE WITNESS: That the Fort

"Eric and Alpha Club were Canadian

"interest."

Q. Now, do you recall that discussion you had with Anderson about the old Ramsay Club?

A. No, sir.

Q. Do you deny that you made those statements to Anderson as he has sworn to?

A. I couldn't confirm or deny that, sir.

Q. Why would you be concerned about the American interests in the old Ramsay Club?

A. I don't know that I was, sir. I don't recall making those statements.

Q. Were you in any way concerned about their operation in 1958?

A. Whose operation, sir?

Q. The old Ramsay Club?

A. I don't believe so.

Q. So that you just wasted your time reading from a brief or documents you had on various occasions to Corporal Shrubbs and complaining to Sergeant Anderson about that particular operation. Why would you go to all the effort of reading those things to Shrubbs and making these complaints



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1 to Anderson if you weren't interested?

2 A. Are you referring to yesterday's  
3 evidence I gave?

4 Q. Yes, what you said yesterday  
5 about reading the information?

6 THE COMMISSIONER: He gave his explanation  
7 of the purpose he had in mind in telephoning  
8 Shrubb and reading from the briefs that  
9 Ginsey had given to him.

10 MR. WILSON: Well, I won't press that.

11 THE COMMISSIONER: You might press the  
12 other. Why was he complaining to Sergeant  
13 Anderson?

14 MR. WILSON: Yes.

15 Q. Why were you complaining to  
16 Sergeant Anderson?

17 A. I don't believe I was, sir.

18 THE COMMISSIONER: Well, you have just  
19 admitted you may have complained. Now, are  
20 you saying that you did not?

21 A. To the best of my recollection,  
22 yes, sir.

23 Q. Why did you say you might have?

24 A. I said I couldn't swear to it  
25 or against it, which I still can't.

26 MR. WILSON: Q. Did Shrubb or any one  
27 else ever give you confidential information  
28 about the operations of the O.P.P.?

29 THE COMMISSIONER: Q. What is your  
30 answer?



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1 A. Well, as I heard the question,  
2 Shrubb or any one else. I don't know.

3 MR. WILSON: Q. Well, confidential  
4 information would be about getting the names  
5 of all the four undercover agents of the  
6 O.P.F. Did Shrubb give you any other  
7 confidential information or anybody else  
8 give you confidential information about the  
9 operations of the O.P.F.?

10 A. No, other than Shrubb, no, sir.

11 Q. Did Shrubb give you anything  
12 else of a confidential nature apart from  
13 the names of these four undercover agents?

14 A. At any particular time, sir?

15 Q. At any time?

16 A. He may have. I can't think of  
17 anything specifically right now, sir.

18 Q. Well, you think it over the  
19 lunch adjournment because I want to know  
20 what other confidential information you got,  
21 if any. Now, Mr. Commissioner, I have  
22 got a ---

23 THE COMMISSIONER: All right. 2.15.

24 ---Whereupon the hearing adjourned at 12.55 p.m.  
25 until 2.15 p.m.

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28 (Page 10183 follows)  
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1 ---On resuming at 2.25 o'clock p.m.

2 ---The witness resumed the stand.

3  
4 MR. WILSON: Q. Before we adjourned  
5 I asked you to search your memory to see if  
6 you could recollect any other confidential  
7 information in regard to the police activities  
8 that had been given to you at any time.

9 A. I thought about that all during  
10 lunch, Mr. Wilson, and to the best of my  
11 ability I don't recall any confidential  
12 information that was relayed to me from, I  
13 think your words were, the Ontario Provincial  
14 Police reports.

15 Q. Well, it does not necessarily  
16 restrict it to reports. Any confidential  
17 information in regard to the activities of  
18 the Ontario Provincial Police with regard to  
19 gambling operations in the Province.

20 A. As I have said, Mr. Wilson, I  
21 don't recall any, unless it may have been  
22 something that may have been conveyed to me  
23 by Mrs. Shrubs, which doesn't -- doesn't  
24 register in my mind, sir. I can't pin-  
25 point anything, sir.

26 Q. Are you quite sure of that?

27 A. Well, as I say, sir, I tried  
28 to during lunch hour, to recall.

29 Q. So that we can take it from your  
30 evidence here today that the only confidential



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1 information you got was what you got from  
2 Shrubb, and it was the names of four under-  
3 cover agents or operatives of the Ontario  
4 Provincial Police.

5 A. Yes, he did give me that, sir.

6 Q. Are we going to leave it that  
7 that is all?

8 A. Oh, I couldn't swear to that,  
9 sir.

10 Q. If there was any other confidential  
11 information, what was it?

12 A. I don't recall any at this  
13 particular time, sir. But, I spoke to Mr.  
14 Shrubb on many occasions, sir.

15 Q. We are not restricting it to  
16 Shrubb. It is information of a confidential  
17 nature that you got from anybody.

18 A. Well, I may have spoken to,  
19 and probably have over the years, to hundreds  
20 and thousands of people; but, as far as I am  
21 concerned, sir, I don't recall any confidential  
22 information given to me from the C.P.P.  
23 files, sir.

24 THE COMMISSIONER: Q. Did you ever  
25 hear of any being given to McDermott?

26 A. No, sir. Not that I recall, sir.

27 MR. WILSON: Q. I noticed you very  
28 carefully restricted that answer to the "files".  
29 My question was broader than that, and I do  
30 not want to have any misunderstanding. It



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1 did not necessarily have to come from the  
2 files. Any information of a confidential  
3 nature about the activities of the Ontario  
4 Provincial Police with relation to gambling  
5 operations in Ontario.

6 A. Well, there, sir, I don't recall  
7 anybody ever telling me that this happened  
8 or that happened, or so on, and this is  
9 confidential information about the Ontario  
10 Provincial Police.

11 Q. Apart from Shrubbs, what officers  
12 in the O.P.P., or former officers of the O.P.P.,  
13 would you have had talks about the activities  
14 of the Force in the period from 1954 through  
15 to 1960, or right through to the present  
16 date? Let us take Cronin, for example,  
17 as a former Ontario Provincial Policeman,  
18 did he give you information as to how they  
19 operated?

20 A. When he was on the Force, sir?

21 Q. Whether on the Force or after he  
22 left the Force.

23 A. Not to the best of my recollection,  
24 sir.

25 THE COMMISSIONER: Q. Is your  
26 recollection pretty clear?

27 A. I spent the lunch hour trying  
28 to review that in my mind.

29 Q. I say, is your recollection pretty  
30 clear?





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1 A. Yes, I would think so, sir.

2 Q. Is it as clear today as it was  
3 within the last three months, then?

4 A. I would only be guessing about  
5 that, sir.

6 Q. What is your guess?

7 A. I would guess possibly so, sir.

8 Q. Within the last three months  
9 were you discussing with anybody information  
10 that had been given to you by Cronin, not  
11 recently but when he was on the Force? You  
12 are under oath.

13 A. Sir, I don't believe I ever got  
14 any information.

15 Q. I did not ask you that. I  
16 asked you if you, in the last three months,  
17 that you had at any time or any place discussed  
18 with other persons the fact that Cronin had  
19 given you information when he was on the Force,  
20 information of a secret character?

21 A. I am trying to answer that  
22 question, sir. I don't believe Cronin ever gave  
23 me any information about police activities  
24 when he was on the Force.

25 Q. At any time within the last  
26 three months did you tell anybody that he did?

27 A. I don't recall, sir.

28 Q. You say your memory is not good  
29 enough to go back over the last three months?  
30 That would be a very important matter.

[illegible]





1 A. To the best of my recollection  
2 I don't ever recall discussing that, sir, in  
3 that period of time. I have been in and out  
4 of courts for the last two and a half years.

5 Q. I am not talking about anything  
6 that was said in court by you. Anything  
7 said outside the courtroom with respect to  
8 your relations with Cronin.

9 A. To the best of my recollection,  
10 sir, I can't recall anything.

11 Q. And your recollection is good  
12 as to events at that time -- Scratch it out.  
13 Within the last five months?

14 A. I don't recall, sir.

15 Q. If it turns out that you could  
16 not help but recall, that would hardly be an  
17 honest answer, would it?

18 A. Well, there, again, sir, as I  
19 have said, after thinking Mr. Wilson's question  
20 over during lunch hour I just don't recall it,  
21 sir.

22 Q. You want to leave it at that?

23 A. Yes, sir.

24 Q. All right.

25 MR. WILSON: Q. Shrubb in his evidence  
26 has made an entry -- referred to an entry  
27 in his diary under date of November 16, 1957.  
28 He said you called him.

29 THE COMMISSIONER: Excuse me, I do not  
30 want to be rude, Mr. Wilson; I just want to



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1 clean up this matter we have been discussing.

2 Q. If there should be evidence later  
3 that you did discuss the matter with certain  
4 persons, would you deny it?

5 A. I am not sure, Mr. Commissioner,  
6 that I fully understand that question.

7 Q. I do not want you to be under  
8 any misapprehension. What part of it do  
9 you not understand?

10 A. If there should be evidence later  
11 that I did which, sir?

12 Q. That you discussed with certain  
13 persons -- one person in a certain place --  
14 or, a place your relationship with Cronin  
15 when he was on the Force and the fact that  
16 he was giving you information, would you  
17 deny it?

18 A. Then, as I fully understand  
19 your question, sir, you are asking me if I  
20 would deny something that I was alleged to have  
21 said?

22 Q. The something being a discussion  
23 by you with respect to your relationship with  
24 Cronin when he was on the Force, concerning  
25 tip-offs, for one thing.

26 A. Well, sir --

27 Q. I say, if there should be evidence  
28 as to that later, would you deny it?

29 A. I couldn't swear that I would  
30 deny it. I may have said something to someone



1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1877. It is a very long letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

2. The second part of the document is a letter from the Secretary of the Interior to the President, dated January 3, 1877. It is a very short letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

3. The third part of the document is a letter from the Secretary of the Interior to the President, dated January 3, 1877. It is a very short letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

4. The fourth part of the document is a letter from the Secretary of the Interior to the President, dated January 3, 1877. It is a very short letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

5. The fifth part of the document is a letter from the Secretary of the Interior to the President, dated January 3, 1877. It is a very short letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

6. The sixth part of the document is a letter from the Secretary of the Interior to the President, dated January 3, 1877. It is a very short letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

7. The seventh part of the document is a letter from the Secretary of the Interior to the President, dated January 3, 1877. It is a very short letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

8. The eighth part of the document is a letter from the Secretary of the Interior to the President, dated January 3, 1877. It is a very short letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

9. The ninth part of the document is a letter from the Secretary of the Interior to the President, dated January 3, 1877. It is a very short letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

10. The tenth part of the document is a letter from the Secretary of the Interior to the President, dated January 3, 1877. It is a very short letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.



1 In some way any time during my life that I  
2 couldn't possibly deny I said it.

3 Q. To the effect that Cronin was  
4 giving you tip-offs?

5 A. I may have said that, sir. I  
6 may have said that. But, I couldn't possibly  
7 deny that under oath, sir.

8 Q. All right. If you said it, would  
9 it be true?

10 A. No, sir.

11 Q. Why would you say it?

12 A. I don't know that I did say it.  
13 If I did say it, and I can't recall saying it,  
14 I don't know what my purpose would be.

15 Q. Do you want to leave it just  
16 at that? As I understand you now, witness,  
17 under oath you say you would not deny it, if  
18 I got you correctly.

19 A. Under oath I wouldn't deny or  
20 couldn't swear that I didn't say it. But  
21 I deny that I ever got any tip-offs from Cronin.

22 Q. You never got any tip-offs  
23 from Cronin and said that you did. Then,  
24 in saying that you did, that would not be  
25 true?

26 A. That would be correct, sir.

27 Q. Do you want to leave it just  
28 like that?

29 A. Yes, sir, I would think so, sir.

30 Q. Thank you.



1. The first part of the document is a letter from the President of the United States to the Congress.

2. The second part is a report on the state of the Union.

3. The third part is a report on the state of the Union.

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15. The fifteenth part is a report on the state of the Union.

16. The sixteenth part is a report on the state of the Union.





1           MR. WILSON: Q. Shrubbs in his evidence  
2 on page 2906 made reference to a call he had  
3 from you about November 16, 1957 in which you  
4 indicated to him that you had knowledge of  
5 possible raids by the O.P.P. in the Hamilton  
6 area. Do you recall such a conversation?

7           THE COMMISSIONER: Would you repeat  
8 that question, please?

9           MR. WILSON: Just so we will get it  
10 right, maybe the Reporter would read it.

11          THE COMMISSIONER: Yes.

12          THE REPORTER: "Q. Shrubbs in his  
13 "evidence on page 2906 made reference  
14 "to a call he had from you about  
15 "November 16, 1957 in which you  
16 "indicated to him that you had  
17 "knowledge of possible raids by  
18 "the O.P.P. in the Hamilton area.  
19 "Do you recall such a conversation?"

20          A. No, sir, I don't recall that  
21 conversation.

22          MR. WILSON: Q. Do you deny that you  
23 had such a conversation and made those  
24 statements to him?

25          THE COMMISSIONER: Take that a part  
26 at a time: Would you deny he had such  
27 information?

28          MR. WILSON: Yes, I will do it that way.

29          Q. Do you deny you had information  
30 of possible raids in the Hamilton area at that



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The first thing I noticed when I stepped out of the car was the cold. It was a sharp contrast to the warm blanket I had been sitting under. I looked around and saw a few other people walking towards the building. The entrance was a large, arched doorway with a sign that read "The Grand Hotel". I walked in and saw a man in a tuxedo standing at the front desk. He smiled at me and said, "Welcome to the Grand Hotel. How can I help you?" I told him I was looking for a room for the night. He led me to a room on the second floor. It was a nice room with a large bed and a view of the city. I took a shower and got ready for bed. I was about to go to sleep when I heard a knock on the door. I opened the door and saw a woman in a nightgown. She said, "I'm sorry, but I need to talk to you. There's something important I need to tell you." I followed her to a small room. She told me that she was a friend of my father's and that she had some information that might be helpful to me. I thanked her and went back to my room. I was still thinking about what she had said when I fell asleep.





1 particular time?

2 A. The date doesn't mean anything  
3 to me. I don't recall ever having that  
4 information, sir.

5 THE COMMISSIONER: Take the next part.

6 MR. WILSON: Q. Do you deny that you  
7 made a statement of that kind to Shrubbs around  
8 November 16, 1957?

9 A. I would say yes, sir.

10 Q. Then, in his evidence at 2907  
11 he speaks of this conversation he had with  
12 you, and in part, at line 20, it reads:

13 ". . . he called me at home,

14 "and one of his remarks was:

15 " 'I heard you have got a

16 " lot of men working in the

17 " Hamilton area.' "

18 Now, did you make that statement as  
19 he alleged and records -- or, at least, as  
20 sworn to, based on his diary notation?

21 A. I don't have any recollection  
22 of making that statement, sir.

23 Q. Are you prepared to swear under  
24 oath you did not make it?

25 A. 1957. To the best of my ability,  
26 sir, I didn't make that statement.

27 Q. Now, we have had evidence of  
28 a lot of phone calls from -- from Crescent  
29 8-2538. That is the setup at the house of  
30 Miss Costello's telephone number. Lafrade set



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1 up for you and McDermott.

2 A. For me, sir?

3 Q. I will turn up his evidence. You  
4 know of the use of the Costello number, don't  
5 you?

6 A. Yes, sir.

7 Q. Whose arrangement was that?

8 A. Well, that was an arrangement  
9 that Ginsey had with Jack Lafrade.

10 Q. You say that was a Ginsey deal  
11 and had nothing to do with McDermott and  
12 yourself?

13 A. No, sir. I made calls and billed  
14 them to that number.

15 Q. Yes, I thought you did.

16 A. Yes, sir.

17 Q. After Wright was arrested, which  
18 I think was May 28, 1960, did you send George  
19 Reid to the Bell Telephone Company to pick  
20 up the slips for Crescent 8-2538 -- I have  
21 the number wrong there. It was on the Gogek.  
22 We will just get it right here in just a  
23 moment.

24 I will put it to you this way, and I  
25 will get the exact number - in fact, there  
26 were two numbers: Did you send George Reid,  
27 after Wright's arrest, to the Bell Telephone  
28 Company to pick up all the --

29 THE COMMISSIONER: Toll tickets.

30 MR. WILSON: Q. -- toll tickets on



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1 the Gogek number?

2 A. I am not certain of the date, Mr.  
3 Wilson, but I did -- Yes, sir. I sent  
4 George Reid.

5 Q. You sent George Reid there?

6 A. Yes, sir.

7 THE COMMISSIONER: Just a moment.

8 MR. WILSON: Q. Why did you do that?

9 A. Well, I suppose it was to get  
10 the outstanding account.

11 Q. Not suppose, you had a reason,  
12 what was it?

13 A. To get the outstanding tickets  
14 on that telephone account, sir.

15 Q. Why all the urgency?

16 A. I don't know that -- that I  
17 really thought that -- This is in 1960, is it,  
18 sir?

19 Q. Well, Wright was arrested on  
20 May 28, 1960, and it was a few days after  
21 that.

22 A. I don't know that I acted in --  
23 or, with the intention of any urgency, sir.

24 THE COMMISSIONER: Q. Had you ever  
25 done it before?

26 A. Yes, sir.

27 Q. Sent somebody down to get the  
28 toll tickets?

29 A. I believe I have gone in and  
30 picked up my own toll tickets of telephone



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1 accounts, sir.

2 Q. We are now speaking of the toll  
3 tickets charged to that number.

4 A. I misunderstood your question.

5 Q. You are now speaking of toll  
6 tickets charged to your own number. Had  
7 you ever picked up the toll tickets charged  
8 to this particular number previously?

9 A. Not that I recall, sir.

10 Q. No. Why did you send Reid  
11 down so soon after Wright's arrest? Why didn't  
12 you go yourself, for example?

13 A. I may have been busy that day,  
14 sir. It strikes me I had something else to  
15 do or was doing something else. I had been  
16 in the north country, I believe, around  
17 the time Wright got arrested and just came  
18 back. I may have had some business. I don't  
19 know just why I didn't go myself, sir.

20 Q. You could not go yourself and  
21 it was so urgent you sent Reid?

22 A. Yes, sir, I sent Reid.

23 Q. I say, it was so urgent you  
24 sent Reid? We know you sent him. You sent  
25 him because it was an urgent matter.

26 A. Well, there again, sir, I don't  
27 recall in my mind it being, as you put it,  
28 an urgent matter, sir.

29 THE COMMISSIONER: Mr. Wilson.







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MR. WILSON: Q. Now, we have had evidence of Gogek that on June 3rd, which was a Friday, you went into his office and asked him to pick up these toll tickets. Do you recall that?

A. Yes, sir.

Q. And that was the way you left when you left his office, that is his story.

A. Just guessing, sir, it seems to me that he may have indicated that he was quite busy and ---

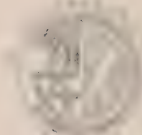
Q. That is not his story.

A. That is what I am trying to recall, sir. It seems to me that at that time I seen Mr. Gogek he may have indicated to me that he was quite busy and would not be able to ---

Q. No, I am saying that is not his story. He said you walked in, you paid up the account to date and you asked him to pick up the toll tickets and that was it. Now, do you agree with that or do you disagree with that?

A. I did that, sir.

Q. All right. It was the following Monday, June 6th, 1960, that you had Reid go to the Bell Telephone to pick up the toll tickets. What happened between Friday, June 3rd and Monday, June 6th. What happened between Friday, June 3rd and Monday, June 6th



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1 that made you or caused you to send Reid when  
2 you had already asked Gogek to do it?

3 A. Well, there again, sir, my  
4 recollection is that Mr. Gogek had said some-  
5 thing to me indicating that he would be busy  
6 the next week and, as I recall it, that is  
7 why I would do it.

8 Q. Well, what was the urgency?

9 A. Well, there, sir, in my mind I  
10 don't attach any urgency to it. Whether I  
11 had been planning on going back north or  
12 not I couldn't swear to that, sir.

13 Q. Well, did anybody inform you  
14 that the police were going in to make a check  
15 on the calls at that Exchange and at that  
16 number?

17 A. No, sir.

18 Q. It was just a coincidence that  
19 Reid went there the day the police were  
20 already there checking the records?

21 A. Yes, sir.

22 THE COMMISSIONER: Reid identified himself  
23 by some other name, didn't he?

24 MR. WILSON: Anders.

25 Q. Tell me, how would you describe  
26 Reid? How tall would he be?

27 A. I would think he would be a  
28 little bit taller than myself, for an example.

29 Q. Well, about six feet?

30 A. Just guessing, sir, I don't think



and the other two are in the same way.

The first of these is the one which is

the most common of the three.

The second is the one which is the

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The fourteenth is the one which is the

most common of the three.

The fifteenth is the one which is the





1 he would be quite six feet tall.

2 Q. Well, would he be slight build  
3 or stocky build?

4 A. I would say about medium.

5 Q. Did he have receding hairline?

6 A. Yes, sir.

7 Q. And was his hair sort of blonde  
8 in colour, silvery blonde?

9 A. Yes, sir.

10 Q. Did you tell him to use the  
11 alias of Anders when he went there?

12 A. I might have, sir. I couldn't  
13 swear I did or I didn't. I may have suggested  
14 that to him, sir.

15 THE COMMISSIONER: Why?

16 A. I don't know what would make  
17 me do that at that time, sir, to suggest  
18 that to him.

19 Q. I don't either. That is why  
20 I am asking why you did it.

21 A. I just can't explain that, sir.

22 MR. WILSON: Q. Was Reid working  
23 for you at that time?

24 A. I believe he was at Airgo -  
25 either at Airgo or at the mining office downtown  
26 on Adelaide Street. I am only guessing on  
27 that.

28 Q. Did the arrest of Wright have  
29 anything to do with this course of action  
30 about picking up these toll tickets?





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1 A. It may have, sir.

2 Q. In what way would the arrest of  
3 Wright in any way enter into your thinking  
4 so as to cause you to have these, or attempt  
5 to have these toll tickets picked up?

6 A. Well, I wasn't aware of the  
7 fact that Wright was talking to McDermott  
8 and McDermott was talking to Wright.

9 Q. You were aware that they had  
10 been talking for some considerable time,  
11 starting when?

12 A. Well, when you say some considerable  
13 time, Mr. Wilson, I would agree with you in  
14 a matter of months, yes, sir.

15 Q. Yes, a matter of months prior  
16 to the time we are talking about, which is  
17 June of 1960?

18 A. Yes, sir.

19 THE COMMISSIONER: All right. Now then,  
20 was your purpose in sending for these toll  
21 tickets to get rid of evidence that would  
22 prove the conversations?

23 A. I don't believe so. That was  
24 not my intention.

25 Q. What was your purpose, Mr.  
26 Feeley?

27 A. Well, there again, sir, I can't  
28 pinpoint any purpose right here and now other  
29 than to straighten up my account with Mr.  
30 Gogek. I had picked up toll tickets from



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1 him on several other occasions.

2 Q. You say that Wright's arrest  
3 may have had something to do with the course  
4 you took in sending Reid to the telephone  
5 office to masquerade as a man called Anders  
6 and pick up the tickets. We have got that  
7 much. Next, you said that Wright's arrest  
8 may have had something to do with the course  
9 you then took. The next step is that you  
10 say you knew Wright had been talking with  
11 McDermott. Now, I am putting it to you: Was  
12 not your purpose in going down, sending Reid  
13 down to get these toll tickets, to destroy  
14 the evidence that would prove the conversations  
15 between Wright and McDermott? I am putting  
16 it to you plainly. Will you answer that  
17 "yes" or "no"?

18 A. I think I have told you, sir,  
19 that that was not my intention. It may  
20 have been in my mind to pick up these  
21 tickets because of Wright's arrest but I  
22 swear now that that was not my intention.

23 Q. Then why were you so anxious  
24 to pick them up, because of Wright's arrest?

25 A. I didn't say that I was, sir.

26 Q. You said that may have been  
27 in your mind.

28 A. That is right.

29 Q. All right, if it was in your mind,  
30 what had that to do with you sending Reid Reid



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1 down to masquerade as a man called Anders?

2 A. Well, I don't know that it had  
3 anything to do, sir.

4 Q. I see, all right.

5 MR. WILSON: Q. Now, you personally  
6 used to go into Gogek's office every month  
7 and check off the Bell Telephone bills to see  
8 which calls you were responsible for, didn't  
9 you?

10 A. I am not certain that it was  
11 every month but every once in a while, yes, sir.

12 Q. Gogek's evidence is that you  
13 did.

14 A. Yes, sir. I went into his  
15 office and checked off on what I owed him.

16 Q. So that you knew that these  
17 calls were going to the Ramsay Club or  
18 Borelli and all these other people that are  
19 listed on Exhibit 163 and 159 that we have  
20 filed here, which is a record of the calls on  
21 that number. You had a complete knowledge  
22 of the use that was being made of that  
23 telephone, and to whom the calls were being placed.

24 A. I would say so, sir, yes.

25 Q. Why would you call these people  
26 that are listed on those two exhibits, like  
27 Iannuzzelli, for example?

28 A. Why would I call him, sir?

29 Q. Yes.

30 A. I don't know if in fact I did,







1 but that illustration that you make there,  
2 I know the Iannuzzelli brothers. They own  
3 a hotel and a finance company and several  
4 other businesses in Niagara Falls, and I  
5 don't know if in fact I did call them. It  
6 may have been McDermott, it may have been  
7 myself.

8 Q. Well, at the time these calls  
9 are recorded, they also had an interest in  
10 the Ramsay Club, didn't they?

11 A. They may have, sir. I couldn't  
12 swear that they did.

13 Q. Now, you know what was going  
14 on. Are you swearing you didn't know  
15 Iannuzzelli had a piece of the Ramsay Club,  
16 both the old Ramsay and the new?

17 A. Which Iannuzzelli?

18 Q. There are two brothers, you know  
19 that?

20 A. Yes, sir, I know two Iannuzzelli  
21 brothers.

22 Q. Are you saying that you don't  
23 know whether either of them had an interest  
24 in either of these two, what I term, the  
25 old Ramsay and the new Ramsay Club?

26 A. I couldn't swear that they had  
27 an interest, as you put it, Mr. Wilson.

28 Q. What was your business with them  
29 then?

30 A. We were friends. I have known

DATE \_\_\_\_\_

● 教师：你们知道，在《说文解字》中，「文」和「字」是有区别的。那么，「文」和「字」到底有什么区别呢？

27 December 58 Sat 10:15 AM 101-10200 210

[illegible]

THE UNIVERSITY OF CHICAGO





1 these brothers for years. I have got a lot  
2 of good advice off them, and there again, sir,  
3 I don't know what you are defining in this  
4 "business" in this particular case, but I  
5 don't believe I ever had any financial  
6 transactions with these two brothers, sir.

7 Q. Why would you be calling Felix  
8 Borelli again and again over that, using that  
9 number to charge the call to?

10 A. Well, there again, sir, I have  
11 known Felix Borelli for a good many years,  
12 and he may have bet with me or I may have  
13 bet with him, or he may have bet with McDermott  
14 or vice versa, and these particular calls,  
15 that you are referring to, sir, I don't know  
16 whether I made them or whether McDermott  
17 made them.

18 Q. Well, did you know that immediately  
19 after Wright would give McDermott a tip-off,  
20 or rather Scott would give -- let me put  
21 it this way first. After Wright would call  
22 McDermott, there would then be a call to,  
23 say, the Ramsay Club within a matter of minutes.

24 A. I know that now, sir.

25 Q. Well, did you know it then?

26 A. This particular time the call  
27 was made?

28 Q. Yes.

29 A. No, sir, I wouldn't think I did.

30 Q. Then we have evidence that George



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1 Scott would give information to McDermott of  
2 tip-offs, following which there would be a  
3 call placed to the Ramsay Club and charged  
4 to this number. Did you have knowledge of  
5 that type of call?

6 A. Subsequently, sir, I had knowledge,  
7 but I wouldn't have no knowledge at the  
8 particular time, sir.

9 Q. No, but ---

10 THE COMMISSIONER: You knew that was  
11 going on. Do you want to put it that way?

12 A. Oh, obviously I knew that  
13 there was calls being placed to these various  
14 places, because I was paying the bills, sir.

15 Q. Calls being placed after McDermott  
16 had been given the information as to the  
17 impending raid?

18 A. That wouldn't be illustrated on  
19 the bills, sir.

20 Q. I didn't suggest that it would  
21 be. I said you knew that that is what was  
22 going on?

23 A. I don't know whether I did know  
24 that at the time that either you or Mr.  
25 Wilson say that Wright phoned him and he -  
26 or Scott phoned him, that he subsequently  
27 phoned somebody else. I eventually ---

28 Q. Learned about it?

29 A. Knew about it.

30 THE COMMISSIONER: Yes.





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MR. WILSON: Q. From whom, from

McDermott?

A. Well, maybe I have lost you.

Q. You haven't lost me too far.

A. I eventually knew that these calls were made so close together from seeing these sheets, these phone call sheets in one of our trials.

Q. You told us that you knew about McDermott having telephone conversations with Wright. Now, did you also know about him having telephone conversations with George Scott at the time they were made?

A. Yes, I would - now, I knew that he was having telephone conversations with Scott, eventually ---

Q. What I am saying, in these months of ---

A. Oh, yes, sir.

Q. In the early part of 1960?

A. Yes, sir.

Q. And before Wright was arrested?

A. Yes, sir.

Q. Are you swearing that you did not know that McDermott would then turn around and phone or have somebody phone the Ramsay Club and pass on the information he got?

A. Yes, sir, I am swearing that I don't know that to be a fact at all, sir.

I don't believe he did, and to the best of my



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A. I have a book for you.

B. I have a book for you.

A. I have a book for you.

Will you please go down to the library and get the book?

Yes, I will go down to the library and get the book.

Will you please go down to the library and get the book?

A. I have a book for you.

Will you please go down to the library and get the book?

Yes, I will go down to the library and get the book.

Will you please go down to the library and get the book?

Yes, I will go down to the library and get the book.

A. I have a book for you.

Will you please go down to the library and get the book?

Yes, I will go down to the library and get the book.

A. I have a book for you.

A. I have a book for you.

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A. I have a book for you.

A. I have a book for you.

Will you please go down to the library and get the book?

Yes, I will go down to the library and get the book.

Will you please go down to the library and get the book?

A. I have a book for you.

Will you please go down to the library and get the book?

A. I have a book for you.





1 knowledge I would have to swear to that, yes, sir.

2 Q. McDermott told you he was  
3 getting information about raids that were  
4 about to take place from both Scott and Wright  
5 at the time they made their calls.

6 A. I don't know if he told me -  
7 you mean at the exact time?

8 Q. Oh, no, not the exact time, but  
9 shortly after in some cases.

10 A. Oh, yes, sir.

11 Q. I mean, he was keeping you  
12 advised about what was going on?

13 A. We discussed that he was talking  
14 to Wright and Scott, yes, sir.

15 THE COMMISSIONER: And getting  
16 information from them as to impending raids?

17 A. I don't know and I can't swear -  
18 I don't believe McDermott believed in his  
19 mind that this was accurate information, sir.

20 Q. Well, whatever he believed  
21 exactly, he told you that he was getting  
22 information?

23 A. Subsequently ---

24 Q. Well, shortly then he would get  
25 it.

26 A. I can't say, sir. Subsequently  
27 to a conversation he may have had with  
28 one or either, I don't know whether it would  
29 be that day or maybe a few days or - that  
30 he would tell me that he had been talking to



... I would have to know to know, yes, sir.

... I would have to know to know, yes, sir.

... I would have to know to know, yes, sir.

... I would have to know to know, yes, sir.

... I would have to know to know, yes, sir.

A. I don't know if he told me -

... I don't know if he told me -

Q. Oh, no, and the other time, too.

... I don't know if he told me -

A. I don't know if he told me -

... I don't know if he told me -

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... I don't know if he told me -

A. I don't know and I don't know -

... I don't know if he told me -

... I don't know if he told me -

Q. Well, would he tell you?

... I don't know if he told me -

... I don't know if he told me -

A. I don't know if he told me -

Q. Well, would he tell you?

... I don't know if he told me -

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1 him, yes.

2 Q. And that they had given him  
3 this information?

4 A. On some occasions he would tell  
5 me that they had given him some information -  
6 or let me correct that, please - told me  
7 the text of their conversations or something  
8 along that line. I don't know to what details,  
9 sir, I couldn't swear to that.

10 Q. Well, that was the text of the  
11 conversation, was prior notice of impending  
12 raids. That is the information they were  
13 passing to him. Whether it was valid  
14 information or not is another question.  
15 But McDermott told you that that is the type  
16 of information they were giving him?

17 A. He told me that he had many  
18 long discussions.

19 Q. No, no.

20 A. And he told me that subsequently  
21 to him talking to these, Wright and Scott,  
22 that he had conversations. Now, to pin-  
23 point it on various occasions, as I recall,  
24 he would tell me if there had in fact been  
25 that information passed to him, or that was  
26 part of their conversation, at times he would  
27 mention that to me, yes, sir.

28 MR. WILSON: Q. Do I understand you  
29 to say that he ---

30 THE COMMISSIONER: Just a minute. That





1. The first of these is the fact that the  
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1 was the knowledge that you had when you sent  
2 Reid down to get the toll tickets, that is  
3 so, is it not?

4 A. Which knowledge is that, sir?

5 Q. The knowledge that you had  
6 obtained from McDermott.

7 A. The fact that he was talking to  
8 Wright and Scott?

9 Q. And that they had given him  
10 information, whether it was valid or not,  
11 of impending raids? McDermott told you that.  
12 Now, I say you had that knowledge when you  
13 sent Reid down to pick up the toll tickets.

14 A. I would say yes, sir.

15 Q. And do you still persist that  
16 that was not the reason you sent down to get  
17 them, namely to destroy the evidence of the  
18 telephone calls?

19 A. Yes, sir.

20 Q. You still persist in that, all  
21 right.

22 MR. WILSON: Q. I gather that you  
23 think McDermott treated these things in the  
24 same way you treated the information you got  
25 from Mrs. Shrubbs, that you did not consider  
26 it to be information?

27 A. I would have to concur with you  
28 on that, Mr. Wilson.

29 Q. I would think on the basis  
30 of your definitions, that would be about it.

[illegible]

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1. *Introduction*





1

A. Yes, sir.

2

Q. That they might tell him these things, but he would not consider that information?

3

4

A. No, sir. There is no doubt in my mind that he never acted on it.

5

6

Q. There is no doubt what?

7

A. In my mind that he never acted on whatever Scott and Wright told him.

8

9

Q. Oh, yes, he did. He called again and again to the Ramsay Club and Borelli immediately after talking to Scott and Wright.

10

11

12

13

A. I don't deny that, sir.

14

Q. And passed on to them the information that he got from Scott and Wright.

15

16

A. Oh, I couldn't swear to that, sir.

17

Q. Well, he told you what he was doing?

18

19

A. He never told me that, sir.

20

Q. What did he tell you about these calls he made immediately after he had finished talking to Wright and Scott, that he made to Borelli and to the Ramsay Club?

23

24

A. I don't know that he discussed that with me in detail at all, sir.

25

26

Q. Didn't discuss it in detail.

27

He just told you that he was doing it, is that it?

28

29

A. No, sir. He never told me that at all, sir.

30



1. The first part of the report...

2. The second part of the report...

3. The third part of the report...

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18. The eighteenth part of the report...

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20. The twentieth part of the report...

21. The twenty-first part of the report...

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23. The twenty-third part of the report...

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25. The twenty-fifth part of the report...

26. The twenty-sixth part of the report...

27. The twenty-seventh part of the report...

28. The twenty-eighth part of the report...

29. The twenty-ninth part of the report...

30. The thirtieth part of the report...



1 Q. When did you first learn that  
2 that is what he was doing?

3 A. Well, I haven't in fact learned  
4 that to date, sir, what Mr. Wilson is  
5 suggesting.

6 Q. You said you were directed to  
7 these calls at your trial. You knew it then  
8 at the latest.

9 A. I know then what, sir?

10 Q. That McDermott was telephoning  
11 the Ramsay Club within minutes after he  
12 finished his conversation with either Wright  
13 or Scott?

14 A. Oh, yes, sir. I knew that then.

15 Q. I am asking you how quickly you  
16 learned about it after McDermott would make  
17 the call, the next day, that day or night?

18 A. I don't know. It may have been  
19 weeks and months. I don't know, I couldn't  
20 swear to that at all, sir, when I would know  
21 about that. It strikes me, and to the best  
22 of my recollection, that I would know that  
23 when I seen these records, sir.

24 MR. WILSON: On one occasion George  
25 Scott was trying to reach McDermott and he  
26 could not reach McDermott, so he called you  
27 at the Benvenuto and he gave you the information  
28 about an impending raid, isn't that correct?

29 A. I don't believe so, sir.

30 Q. Are you swearing that he did not





Q. Now, did you ever see him?

A. Yes, I saw him in the street.

Q. Well, I saw him in the street.

A. Yes, I saw him in the street.

Q. Now, did you ever see him?

A. Yes, I saw him in the street.

Q. Now, did you ever see him?

A. Yes, I saw him in the street.

Q. Now, did you ever see him?

A. Yes, I saw him in the street.

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Q. Now, did you ever see him?



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do that?

A. To the best of my recollection,  
I don't ever recall getting any information  
or talking to George Scott on my telephone  
at the Benvenuto.

(Page 10212 follows)



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1 MR. WILSON: Q. Did McDermott ever talk  
2 to Scott on your telephone at the Benvenuto?

3 A. There was evidence given at my  
4 trial Scott spoke to McDermott at my apartment on  
5 some occasion.

6 Q. What is your number there?

7 A. Well, I have two phones, sir. I  
8 have a house phone and a private line.

9 Q. Let us have them both?

10 A. The house phone there is Walnut 2-  
11 4166 and my home phone number is 924-5826.

12 Q. What was it then? You had Walnut 5-1639,  
13 didn't you?

14 A. That would be correct, sir.

15 Q. And that conversation took place  
16 on Monday, May 9, 1960, at 6.15 p.m. Now, are  
17 you swearing that you didn't receive such a call  
18 at that number - - 7.15; I said 6.15.

19 A. Maybe I didn't understand you.

20 Q. I want you to understand.

21 A. Would you mind asking the question  
22 again?

23 Q. Yes. The call I am talking about  
24 is where George Scott called Walnut 5-1639 on  
25 May 9, 1960, at 7.15 p.m. Now, do you swear that  
26 you did not speak to him on that occasion and  
27 receive the information that he gave?

28 A. To the best of my recollection, no,  
29 I couldn't swear to that, sir. I can say this,  
30



Q. Now, did you see any other people?

A. No, I didn't see any other people.

Q. Did you see any other people?

A. No, I didn't see any other people.

Q. Did you see any other people?

A. No, I didn't see any other people.

Q. Did you see any other people?

A. No, I didn't see any other people.

Q. Did you see any other people?

A. No, I didn't see any other people.

Q. Did you see any other people?

A. No, I didn't see any other people.

Q. Did you see any other people?

A. No, I didn't see any other people.

Q. Did you see any other people?

A. No, I didn't see any other people.

Q. Did you see any other people?

A. No, I didn't see any other people.

Q. Did you see any other people?

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Q. Did you see any other people?

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Q. Did you see any other people?

A. No, I didn't see any other people.

Q. Did you see any other people?

A. No, I didn't see any other people.

Q. Did you see any other people?

A. No, I didn't see any other people.





1 that, to the best of my recollection and to the  
2 best of my knowledge, I never received any  
3 information from George Scott.

4 Q. Well now, maybe you are trying to  
5 just skate around the point. He told you on that  
6 occasion that there was nothing doing that night;  
7 isn't that right?

8 A. I may be a little confused, sir,  
9 because, as I recall him giving evidence at my  
10 trial, he said that he spoke to McDermott at  
11 my residence.

12 Q. Well, did he talk to McDermott at  
13 your residence?

14 A. Well, there again, sir, he may very  
15 well have. I couldn't swear he didn't and I  
16 don't recall McDermott telling me that he did.

17 Q. Well now, after McDermott got all  
18 of these calls giving information from Wright  
19 and Scott, what would be his purpose in calling  
20 Borelli and the Ramsay Club? What would his  
21 purpose be?

22 A. I never questioned his purpose,  
23 sir, on why he would be calling to the Ramsay  
24 Club because it wasn't uncommon for him to use  
25 the telephone over the years and call all over  
26 the country to various people he knew, sir.  
27 So I couldn't tell you what his purpose was,  
28 sir.

29 Q. Well, to your knowledge, didn't he  
30





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1 pass on this information for what it was worth  
2 to Borelli or somebody at the Ramsay Club?

3 A. Not to my knowledge, sir.

4 Q. You never discussed all these calls  
5 he was making to Borelli and the Ramsay Club  
6 with him?

7 A. I would say that he would tell me  
8 that he was talking to Felix, Ginsey or whoever  
9 he may be talking to on occasions, sir.

10 Q. Well, you are the man who, whether  
11 it was every month, regularly checked out every  
12 call that went through that Gogek number and  
13 you made sure they were calls that should be  
14 paid for by McDermott and yourself, didn't you?

15 A. Yes, sir, I went over the bills  
16 and to the extent that if there was a call to  
17 say, Niagara Falls, that that would be a call  
18 placed by McDermott or myself. I mean that is  
19 about the detail of checking over the bills.

20 Q. In other words, you would make sure  
21 that one or other of you had placed the call?

22 A. No sir. I would look at the  
23 bill and if there was a call to, say, Niagara  
24 Falls, for example, I would be satisfied that  
25 either McDermott or myself had called that  
26 number, and that would -- I wouldn't take time  
27 out to discuss it with him or go and make  
28 any records of it; no sir.

29 Q. We had some evidence here in Volume 38  
30



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1 that you approached a Miss Byles who was an  
2 employee of the Ontario Provincial Police  
3 in February of 1960. Now, do you recall the  
4 incident?

5 A. I recall reading about the incident.  
6 No, sir, I don't recall the incident.

7 Q. Do you deny that you approached  
8 and spoke to this Miss Byles on not only one  
9 occasion but on several mornings?

10 A. Maybe, Mr. Wilson, you can define  
11 this approach a little better for me, sir, so  
12 that -----

13 Q. Well, I suppose you have read the  
14 evidence of Miss Byles, have you?

15 A. I have read the newspapers, sir.

16 Q. Well, her evidence at page 7907  
17 is that several mornings, and in particular as  
18 she was getting on the bus, and she lived on  
19 Cosborne Avenue, that you came up to her and  
20 tried to make conversation with her. Now, do  
21 you say that is true or not?

22 A. I don't recall. I searched my  
23 memory at the time that this young lady, Miss Byles,  
24 gave evidence, and I couldn't pinpoint it, sir.  
25 I don't deny that it happened at all, but I  
26 couldn't swear it did or it didn't happen, sir.

27 Q. Well, then, on one occasion she  
28 said that "on one morning in particular he gave me  
29 a seat and stood beside me and I ignored him and  
30



V.A. Feeney

10815

that you approached a Miss Hyles who was an employee of the Ontario Provincial Police in February of 1960. Now, do you recall the

A. I recall reading about the incident.

Q. No, sir, I don't recall the incident.

Q. Do you deny that you approached

and spoke to this Miss Hyles on not only one

occasion but on several mornings?

A. Maybe, Mr. Feeney, you can define

this approach a little better for me, sir, so

that -----

Q. Well, I suppose you have read the

evidence of Miss Hyles, have you?

A. I have read the newspaper, sir.

Q. Well, her evidence is that that

is that several mornings, and in particular on

one was meeting on the bus, and she lived on

Constance Avenue, that you came up to her and

tried to make conversation with her. Now, do

you say that is true or not?

A. I don't recall. I searched my

memory at the time that this young lady, Miss Hyles,

gave evidence, and I couldn't pinpoint it, sir.

I don't deny that it happened at all, but I

couldn't swear to it or it didn't happen, sir.

Q. Well, then, on one occasion she

said that "on one morning in particular he gave me

a seat and stood beside me and I ignored him and





1 he said something about the weekend coming up  
2 and probably I was going up north." Do you  
3 recall any such conversation?

4 A. After reading the evidence or  
5 the newspapers' reports of Miss Byles' testimony,  
6 sir, McDermott and I had discussed this between  
7 ourselves, whether this was a fact and tried  
8 to search our minds and pinpoint this happening,  
9 and as I recall it her evidence was that she  
10 identified either myself or both of us from  
11 some time that I am down to claim some money  
12 at the O.P.P. That is what I have in my mind.  
13 But after discussing it back and forth between  
14 ourselves we could never determine that we  
15 had been in fact together and talked to  
16 this young lady.

17 THE COMMISSIONER: I don't think she  
18 suggested that you were together when you talked  
19 to her.

20 Is my recollection wrong, Mr. Wilson.

21 MR. WILSON: No; she doesn't suggest  
22 they were together. She said after Wright was  
23 arrested that McDermott and Feeley came into  
24 the office one day and she recognized them  
25 as being the two men who were on the corner  
26 and as the two men who had been waiting for  
27 her.

28 Q. Now, are you suggesting that you  
29 didn't know that Miss Byles worked for the Ontario  
30





he said something about the weekend coming up

and probably I was going to have. "Do you

recall any such conversation?

A. After reading the evidence or

the newspaper reports of Miss Gandy's testimony,

Mr. McManis and I had discussed this between

ourselves, whether this was a fact and tried

to reach our minds and pinpoint this happening,

and as I recall it her evidence was that she

identified either myself or both of us from

some time that I am down to claim some money

at the O.P.P. That is what I have in my mind.

Q. Now, this conversation is between you and

ourselves we could never determine that we

had been in fact together and talked to

any one else?

THE COMMISSIONER: I don't think she

suggested that you were together when you talked

to her.

Is my recollection wrong, Mr. Wilson?

THE COMMISSIONER: All right, Mr. Wilson.

Q. Now, they were together. She said after Wright was

arrested that McManis and Neely came into

the office one day and she recognized them

as being the two men who were on the corner

and as the two men who had been waiting for

her.

Q. Now, are you suggesting that you

did not know who they were at that time?



1 Provincial Police?

2 A. Well, I didn't say that but I  
3 will say that now, sir, that if and when this  
4 incident did happen, that I wouldn't be aware  
5 of her position.

6 Q. Well, did either McDermott or  
7 yourself ask her where she worked?

8 A. Well, there again, Mr. Wilson,  
9 I can only speak for myself, as I have  
10 discussed this with Mr. McDermott, and that would  
11 be my answer to that, sir.

12 THE COMMISSIONER: Q. Did you ask  
13 her where she worked?

14 A. I don't recall having any  
15 conversation of that nature with this party in  
16 question, sir.

17 MR. WILSON: Q. Another employee of the  
18 Ontario Provincial Police, Mrs. Roper, whose  
19 former name was Miss Spizarsky, recounts a  
20 meeting with you at a restaurant near the  
21 Police College and in fact the restaurant was  
22 one that was owned by her father. Now, do you  
23 remember meeting Miss Spizarsky?

24 A. At the time that this woman gave  
25 evidence, sir, and I seen her picture in the  
26 paper, her picture didn't mean anything to me  
27 as far as recognizing her, sir.

28 Q. Well, the restaurant was on  
29 Gerrard Street between Benton and Sherbourne. Do  
30



The Great Wall

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● 1997年12月1日，国务院颁布《关于建立统一开放、竞争有序的市场体系的决定》，提出“建立统一开放、竞争有序的现代市场体系”。





1 you remember going there on occasions?

2 A. Oh, yes sir.

3 Q. Did you ever ask her whether  
4 she worked at the Police College?

5 A. To the best of my recollection, no  
6 sir.

7 Q. She has sworn that you did ask her  
8 and she did tell you that she did.

9 A. (No audible answer)

10 THE COMMISSIONER: Well, he says he  
11 doesn't recall it.

12 MR. WILSON: Q. And also that she  
13 avoided you from there on but she did, however,  
14 see you coming out of the building across the  
15 street from the Police College. Would that  
16 be possible?

17 A. Yes sir.

18 Q. You used to have an office across  
19 the street, did you, from the Police College?

20 A. Yes sir.

21 THE COMMISSIONER: Q. What kind of a  
22 business did you carry on there?

23 A. It was one of many places over a  
24 period of years that I used to do my sheets on  
25 occasions.

26 Q. For the last 15 years have you  
27 earned a livelihood in any other way than by  
28 either making book or operating a gaming house?  
29 Have you had any legitimate means of livelihood?  
30



2. 2

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

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A. Legitimate, sir?

Q. Yes?

A. I have had investments, income from investments.

Q. Yes. Apart from that?

A. I have become quite active in the mining business in the last few years, sir.

Q. The last few years being what; four?

A. Somewhere in that neighbourhood, sir.

Q. Then in the last eleven years outside of the time you got interested in the mining business did you have any lawful occupation?

A. That would be like from - -----

Q. Well, we will go over this year by year, if you wish. After you left school you had various jobs as a bartender and some other jobs?

A. Yes.

Q. When did you stop earning a livelihood in that legitimate way?

A. Sometime in the late forties, I would think, sir.

Q. From then on you/ earned your livelihood by unlawful activities; is that so?

A. Well, I gambled all those years.

Q. Well, that is unlawful?

A. Well, there is various -----





1954

[illegible]



1 Q. All right.

2 A. . . . views on that, sir.

3 MR. WILSON: Q. There was a summary  
4 of telephone calls made from Port Credit,  
5 Crescent 8-2538, which was the Costello number  
6 that we mentioned earlier and you are familiar  
7 with the arrangements for the use of that  
8 phone?

CC/2

9 A I have billed some charges back  
10 a few years ago to that number; yes sir.

11 Q. And you and McDermott both used  
12 that number?

13 A. Yes; I would think so, sir.

14 Q. Did you check the bills on that  
15 number as they came in?

16 A. No sir.

17 Q. Who did the checking on that one?

18 A. I would think if there was any  
19 checking, Gimsey would do that.

20 Q. Well, I take it you would check  
21 for your own calls?

22 A. No sir. I wouldn't see the bills.  
23 If there was any calls there that I made, why  
24 Gimsey would tell me about them.

25 Q. Was Gimsey working for you in 1958?

26 A. I don't believe so, sir. I believe  
27 he was living over in Port Erie then, sir.

28 Q. Well then, would he come over to  
29 Toronto and check the bills on Crescent 8-2538 each  
30



. . . NO MORE . . .

RECEIVED 11.11.59

with the arrangements for the day of that  
that we mentioned earlier and you are familiar  
Exponent 8-2556, which was the Control's number  
of telephone calls made from Fort Meade.

A I have billed some charges back

210 Nov 1960

AND YOU WILL BECOME A GOOD FRIEND

A . YOU I KNOW AND ME

Q. Did you check the bill on this?

THE END OF THE ROAD

• 112 •

...they would do that.

1941, I take it you were young.

A. No sir, I wouldn't use the pills.

It there was any calls about this I made, well

most work on 1901 in New York

1. The following information was obtained from the records of the Bureau of the Census, Department of Commerce, for the years 1947 through 1950:

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1 month?

2 A. Oh, Ginsey was in and out of  
3 Toronto all the time, sir.

4 Q. I see on Exhibit 121, which is the  
5 summary, that on May 14, 1958, there was a  
6 call from that number to Scarborough -- what  
7 does "PL" mean -- Plymouth 9-3007, R.J.Wright.  
8 Did you make that call?

9 THE COMMISSIONER: Plymouth what?

10 MR. WILSON: 9-3007.

11 THE WITNESS: I don't believe so, sir.

12 MR. WILSON: Q. Did McDermott?

13 A. Not to my knowledge. I couldn't  
14 swear one way or the other on that, sir.

15 Q. I see numerous calls on Exhibit 121  
16 to Borelli and the Club at Fort Erie. Who was  
17 making those calls?

18 A. This is on Crescent 8- - -

19 Q. This is on the Costello number.

20 A. Well, I would only be guessing,  
21 sir. Maybe it was Ginsey, maybe it was McDermott,  
22 maybe it was myself. I don't just know, sir.  
23 Maybe it was somebody else.

24 Q. Well, there were calls to this club  
25 at Fort Erie at all hours of the night. What  
26 would be the purpose of the calls?

27 A. Well, sir, that is a little  
28 difficult for me to answer because I don't know  
29 whether I made -- I may have made a call. I have  
30



1. Q. On Sunday was in and out of

Toronto all the time, sir.

Q. I see on Exhibit 121, which is the

business, that on May 14, 1935, there was a

call from that number to Scarborough -- what

does "EL" mean -- Plymouth 2-5007, R.T. Wright,

did you make that call?

THE QUESTIONER: Plymouth what?

Q. 2-1247.

Q. I see on Exhibit 121, which is the

business, that on May 14, 1935, there was a

A. Not to my knowledge. I don't

know one way or the other on that, sir.

Q. I see numerous calls on Exhibit 121

to Hotel and the Club at Port Hope. Who was

making those calls?

A. This is on Exhibit 8 --

Q. This is on the Gosselin number.

A. Well, I would only be guessing.

Q. Maybe it was Gosselin, maybe it was someone else.

Q. Maybe it was myself. I don't just know, sir.

Q. Maybe it was someone else.

Q. Well, there were calls to this club

at Port Hope at all hours of the night. What

would be the purpose of the calls?

A. Well, sir, that is a little

difficult for me to answer because I don't know

whether I made -- I may have made a call. I have





1 no record or indication whether I made any of  
2 these calls. So I don't know what the purpose  
3 of them would be, sir.

4 Q. I see a call on June -- it does  
5 not give the day of the month but it is in  
6 1958 - to Renfrew, H.E.2-4513, Jim Maloney,  
7 a person-to-person call. Did you make that  
8 call?

9 A. The date just escaped me there?

10 Q. Well, it is June of 1958. It  
11 would appear to be either the 1st or 2nd of June.

12 A. There again, sir, I couldn't say  
13 positively whether I made that call or not, sir.

14 Q. Did you ever call Maloney at  
15 Renfrew?

16 A. Not that I recall offhand, sir.

17 Q. Another call, on Exhibit 121,  
18 under date of May 13, 1958, to Peterborough,  
19 Riverdale 5-6310. We have been told that  
20 that is Inspector Stringer's number. Did you  
21 make that call?

22 A. No, sir, I don't believe I did.

23 Q. Well, who did make it?

24 A. Sir, I would have no way of knowing  
25 that.

26 Q. Do you know Stringer at all?

27 A. I seen his picture in the paper,  
28 sir. I don't recall ever meeting this man  
29 unless -- or ever seeing him before -- unless  
30







1 he may have been on a raid through the years  
2 out at the Cooksville Club.

3 Q. Do you know of any reason why  
4 there would be a call from that number to  
5 Stringer in 1958?

6 A. No sir. I would say that if  
7 Giffey were here he could probably explain it  
8 to you.

9 Q. I think Stringer's evidence is  
10 that -- Mr. Carty reminds me -- his evidence  
11 is that he met you about five years ago?

12 A. I don't recall that, sir.

13 Q. Well, we will turn it up. Now,  
14 I see under date of May 19, 1958, a further call  
15 from the same number to Stringer. Again it  
16 is a person-to-person call. Do you know anything  
17 about that one?

18 A. No sir.

19 THE COMMISSIONER: A further call. I  
20 see the one in May 1958.

21 MR. WILSON: Well, I guess this thing  
22 has been falling over on me ----

23 THE COMMISSIONER: May 13th was the first  
24 and May 19th the second.

25 MR. WILSON: Am I wrong?

26 THE COMMISSIONER: No, I don't think  
27 you are wrong.

28 MR. WILSON: At this time of the week  
29 I am liable to be.  
30



no one has been on a raid through the years  
out at the Greenville Clinic.

Q. Do you know of any person who

there would be a call from this number to

Stringer in 1950?

A. No sir. I would say that if

Gray were here he could probably explain it

Q. I think Stringer's evidence is

that -- Mr. Gentry reminds me -- his evidence

is that he met you about five years ago?

A. I don't recall that, sir.

Q. Well, we will turn it up. Now,

I see under date of May 12, 1950, a further call

from the same number to Stringer. Again it

is a person-to-person call. Do you know anything

about that one?

A. No sir.

THE COMMISSIONER: A further call. I

see the one in May 1950.

MR. WILLIAMS: Well, I guess this thing

THE COMMISSIONER: May 1950 was the first

and May 1950 the second.

MR. WILLIAMS: As I stated

THE COMMISSIONER: No, I don't think

you are wrong.

MR. WILLIAMS: At this time of the year

I am liable to be





1 BY MR. WILSON: Q. Now there is  
2 a further call on here that I want to call to  
3 your attention, in fact, two calls to Niagara  
4 Falls, El 4-5071, on May 19th, 1958, and another  
5 number -- another call to the same number on  
6 May 22nd, 1958, and we are told that that is  
7 both to Jolley and both personal. We are told  
8 that that is the -- that Mr. Jolley was a  
9 former M.P.P.. Would you make either of those  
10 calls?

11 A. No, sir.

12 Q. Do you know anything about  
13 those calls?

14 A. I believe -- since those calls  
15 came out publicly through the newspapers or  
16 whenever it was, I believe it had or have  
17 discussed with McDermott whether he made them  
18 and I don't think he clarified whether he  
19 made them or not, sir.

20 Q. You mean he will have to  
21 clarify that when he gives his evidence?

22 A. Well, I don't really mean  
23 that but he didn't clarify it to me, sir,  
24 whether he did or not. Possibly he can to  
25 you, sir.

26 Q. He didn't satisfy you with  
27 any explanation or he didn't give you any  
28 explanation?

29 A. I don't think we went into  
30 it to that great detail, sir.





2  
1 Q. There is another call here  
2 on exhibit 121 under date of June 7th, 1938,  
3 to Willowdale, Baldwin 1-4793, and we are  
4 told that that is the number of E. C. Bowman  
5 of the Attorney-General's Department. Did  
6 you make that call?

7 A. No, sir.

8 Q. Do you know anything about  
9 that call?

10 A. No, not really. After  
11 reading the account of this call where some  
12 witness gave evidence that somebody phoned  
13 Mr. Bowman about a dog -- I don't know just  
14 whose evidence it was -- turning it over in  
15 my mind at some time or other, it seemed to  
16 me Ginsey had made some statement to me at  
17 some time in the past, but I couldn't swear  
18 as to who made the call, sir.

19 Q. Now that is two stories we  
20 have had about that call. Humphrey in his  
21 evidence had told us that McDermott had told  
22 him he had made some call about a dog. Now  
23 your story is that Ginsey is the man who  
24 made the call.

25 A. Well, to the best of my  
26 recollection, sir, when that incident came to  
27 light, it seemed to me something I attached  
28 to Ginsey, yes, sir.

29 Q. And you have talked it over  
30 with McDermott after it appeared in the press?





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1 A. Possibly, sir. I couldn't  
2 be certain of that.

3 Q. Then we have another call to  
4 that same number, the Bowman number, a direct-  
5 dial, a distance-dial call on June 8th. Do  
6 you know anything about that call?

7 A. No, sir.

8 Q. Did you ever make a call to  
9 W. C. Bowman?

10 A. No, sir.

11 Q. Do you know W. C. Bowman?

12 A. No, sir.

13 Q. To your knowledge, does  
14 McDermott know him?

15 A. No, sir.

16 Q. Mr. Carty says he checked  
17 the Stringer evidence and it is not quite  
18 as I put it, that he had seen Feeley and  
19 McDermott at Lake Chemong and had met -- he  
20 didn't say he had met this witness five  
21 years ago.

22 THE COMMISSIONER: I hadn't  
23 recalled it.

24 MR. WILSON: No. That is a fact.  
25 Now what time, Mr. Commissioner, do you pro-  
26 pose to adjourn today?

27 THE COMMISSIONER: Well, I  
28 understand counsel have different appointments.  
29 You have one and Mr. Rose, I understood, had  
30 another one and Mr. MacLinnon had still







1 another one. I will accommodate counsel.

2 What time do you suggest?

3 MR. WILSON: Well, I would say  
4 four o'clock possibly.

5 THE COMMISSIONER: Does that  
6 meet your requirements?

7 MR. WILSON: I have two more  
8 matters. One will be quite brief and I would  
9 think the other might take a little time, not  
10 lengthy but it is pretty hard to assess it.

11 THE COMMISSIONER: All right,  
12 Monday morning at ten o'clock.

13  
14 ---Whereupon the inquiry adjourned at 3:53  
15 o'clock p.m. on Friday, the 21st of  
16 September, 1962, until 10:00 a.m. on  
17 Monday, the 24th of September, 1962.  
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